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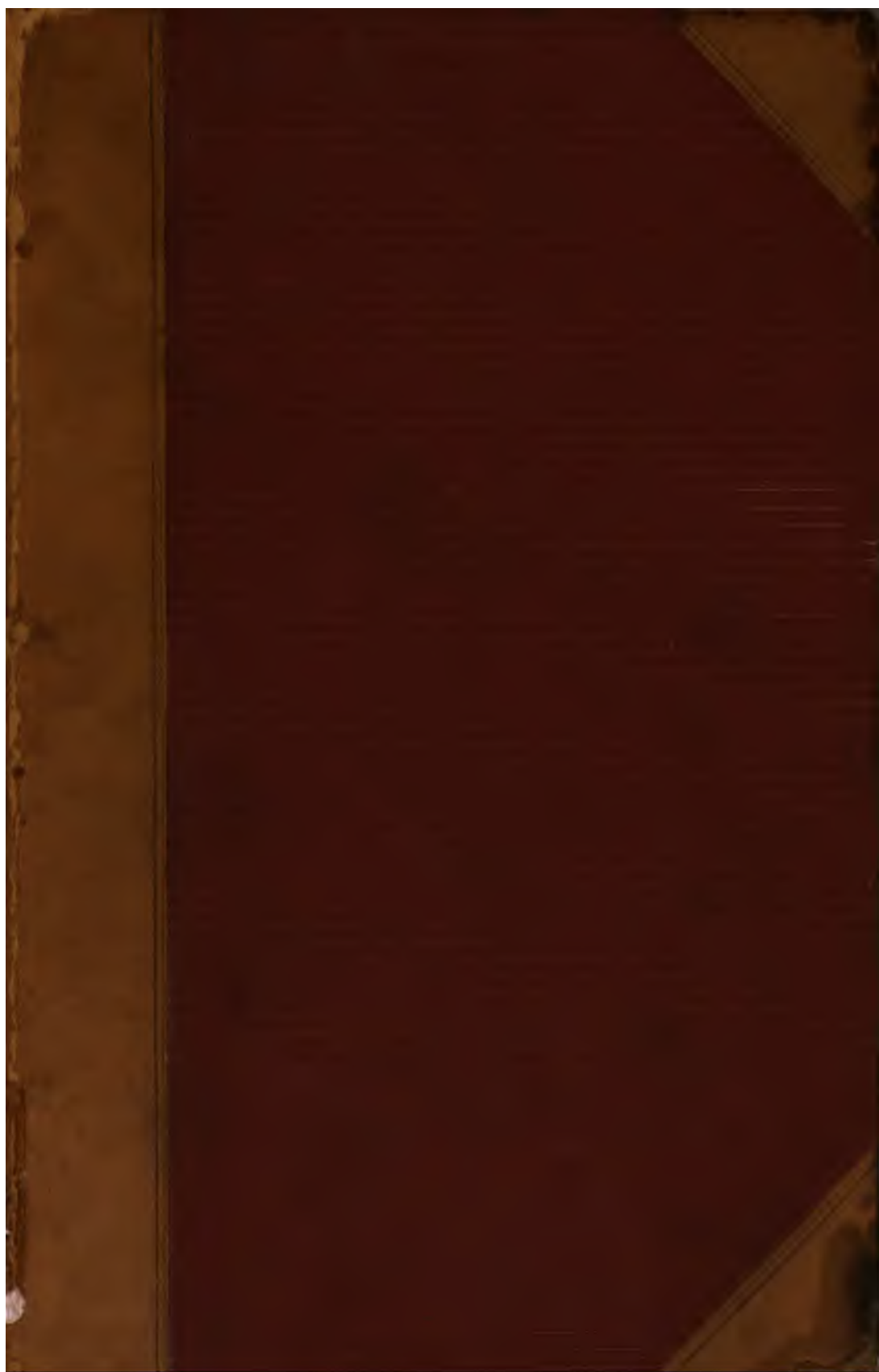
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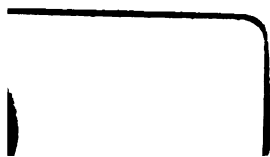
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THE
S T A T U T E S
OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
2 & 3 VICTORIA. 1839.

LONDON:
Printed by Her Majesty's Printers;
1839.

(Price 20s. in Boards.)

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57,916

A
T A B L E
Containing the TITLES of all
THE STATUTES,

Passed in the SECOND Session of the THIRTEENTH Parliament

OF

The United Kingdom of *Great Britain* and *Ireland*;

2° & 3° VICTORIA.

PUBLIC GENERAL ACTS.

1. AN Act to amend an Act of the First and Second Year of Her present Majesty for the more effectual Relief of the destitute Poor in *Ireland*. *Page* 1
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- xxvii. An Act to amend the Acts relating to "The Great Western Railway;" and to raise a further Sum of Money for the Purposes of the said Undertaking. *Page 539*
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- xxxv. An Act for making and maintaining certain Reservoirs in the Township of *Rishworth* in the Parish of *Halifax* in the West Riding of the County of *York*. *Ibid.*
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- xxxvii. An Act for granting further Powers to the Company of Proprietors of the *Parrett* Navigation. *Ibid.*
- xxxviii. An Act for better lighting with Gas the Town of *Brighton*, and the several Places therein mentioned, in the County of *Sussex*. *Ibid.*
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- lv. An Act for extending and for altering the Line of the *Manchester* and *Leeds* Railway, and for making Branches therefrom ; and for amending the Acts relating thereto. *Page 545*
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- lvii. An Act for enabling the *Slamannan* Railway Company to raise a further Sum of Money. *Ibid.*
- lviii. An Act to enable the *Wishaw* and *Coltness* Railway Company to raise a further Sum of Money ; and to amend the Acts relating to the said Undertaking. *Ibid.*
- lix. An Act to enable the *Ballochney* Railway Company to raise a further Sum of Money ; and to amend the Acts relating to the said Undertaking. *Ibid.*
- lx. An Act for making Wet Docks and other Works at and near to *Jarrow Slake* within the Port of *Newcastle upon Tyne*, and in the County of *Durham*, to be called "The *Tyne Docks*." *546*
- lxi. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to make a new Cut ; and for extending and altering some of the Provisions of their present Act. *Ibid.*
- lxii. An Act to repeal so much of an Act passed in the Twelfth Year of the Reign of His Majesty King *George* the First, for repairing the Walls, Gates, and other public Works in the City of *Norwich*, and several Bridges in and near the said City, and for amending the Roads therein mentioned, as relates to the Application of the Tolls and Duties thereby authorized to be raised ; and to provide a new Mode of Application thereof. *Ibid.*
- lxiii. An Act for paving, lighting, watching, and improving the Town of *Bradford* in the County of *Wilt.* *Ibid.*
- lxiv. An Act for erecting, establishing, and maintaining a new Market in the City of *Aberdeen*, and for providing suitable Approaches thereto. *Ibid.*
- lxv. An Act for further improving and maintaining the Harbour of the Burgh of Regality of *Fraserburgh* in the County of *Aberdeen.* *547*
- lxvi. An Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham.* *Ibid.*
- lxvii. An Act for building a new Gaol for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*, and for other Purposes connected therewith. *Ibid.*
- lxviii. An Act for amending and enlarging the Powers of Acts for establishing a floating Bridge over the River *Itchen* near the Town of *Southampton.* *Ibid.*
- lxix. An

- lxi. An Act to enable the *Manchester* and *Birmingham* Railway Company to vary and extend the Line of their Railway; and to amend the Act relating thereto. *Page 547*
- lxx. An Act to enable the *Monkland* and *Kirkintilloch* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking. *Ibid.*
- lxxi. An Act for incorporating certain Persons for the making and maintaining a Railway from the Township of *Crook* and *Billy Row* to the *Byers Green* Branch of the *Clarence* Railway in the Parish of *Saint Andrew Auckland*, all in the County of *Durham*, to be called "The *West Durham* Railway." *548*
- lxxii. An Act for enlarging the Town Quay of the Borough of *Portsmouth*, and for improving that Portion of the Harbour of *Portsmouth* called *The Camber*. *Ibid.*
- lxxiii. An Act for the Improvement of the Navigation of the River *Moy* in the Counties of *Mayo* and *Sligo* in *Ireland*. *Ibid.*
- lxxiv. An Act to enable the *Newport Dock* Company to raise a further Sum of Money. *Ibid.*
- lxxv. An Act to alter and amend the Powers and Provisions of an Act of the Fifth Year of the Reign of His Majesty King *William* the Fourth, for making and maintaining a Pier and other Works at *Deptford* in the County of *Kent*. *Ibid.*
- lxxvi. An Act to alter and amend the Powers and Provisions of an Act for making a Railway from the *London* and *Greenwich* Railway to the *Deptford* Pier, to be called "The *Deptford* Pier Junction Railway." *Ibid.*
- lxxvii. An Act to amend and extend the Powers of the Northern and Eastern Railway Act. *549*
- lxxviii. An Act to enable the Northern and Eastern Railway Company to alter the Line of their Railway by forming a Junction with the Eastern Counties Railway; and to provide a Station and other Works at *Shoreditch*; and to amend the Act relating to the Northern and Eastern Railway. *Ibid.*
- lxxix. An Act to alter and divert the Line of the South-eastern Railway from a Point thereon in the Parish of *Chiddingstone* in the County of *Kent* so as to join the *London* and *Brighton* Railway at or near *Redstone Hill* in the Parish of *Reigate* in the County of *Surrey*. *Ibid.*
- lxxx. An Act for better lighting with Gas the Village of *Over Darwen* in the County Palatine of *Lancaster*. *Ibid.*
- lxxxi. An Act for maintaining and regulating the Market in the Parish of *Sidmouth* in the County of *Devon*. *Ibid.*
- lxxxii. An Act for extending and enlarging an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, for making and maintaining a Turnpike Road from *Anniesland* Toll Bar in the County of *Lancark*; and for making and maintaining another Branch Road, to be called *Saint George's Road*, in connexion with the said Road. *Ibid.*
- lxxxiii. An

- lxxxiii.** An Act for forming and establishing "The *London Patent White Lead Company*;" and to enable the said Company to purchase certain Letters Patent. Page 550
- lxxxiv.** An Act for forming and regulating a Company to be called "The General Filtration and Dye Extract Company;" and to enable the said Company to purchase certain Letters Patent. *Ibid.*
- lxxxv.** An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honour of *Pontefract*, Parcel of Her Majesty's Duchy of *Lancaster*, in the West Riding of the County of *York*; and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honour. *Ibid.*
- lxxxvi.** An Act for the more easy and speedy Recovery of Small Debts within the Town of *Aberford* and other Places in the West Riding of the County of *York*. *Ibid.*
- lxxxvii.** An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rotherham* and other Places in the West Riding of the County of *York*. *Ibid.*
- lxxxviii.** An Act for the more easy and speedy Recovery of Small Debts within the Town and Manor of *Glossop* and other Places in the Parish of *Glossop* in the County of *Derby*. *Ibid.*
- lxxxix.** An Act for the more easy and speedy Recovery of Small Debts within the Town or Borough of *Grantham* in the County of *Lincoln*, and other Places in the Counties of *Lincoln* and *Leicester*. *Ibid.*
- xc.** An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rochdale* and other Places in the County Palatine of *Lancaster*. *Ibid.*
- xci.** An Act for the more easy and speedy Recovery of Small Debts within the Town of *Warrington*, and several other Places adjacent thereto, in the Counties of *Lancaster* and *Chester*. *Ibid.*
- xcii.** An Act for altering, amending, consolidating, and enlarging the Provisions of certain Acts relating to the Regulation of Buildings in the Borough of *Liverpool*. 551
- xciii.** An Act for forming and regulating a Company to be called "The Ship Propeller Company;" and to enable the said Company to purchase certain Letters Patent. *Ibid.*
- xciv.** An Act for regulating the Police in the City of *London*. *Ibid.*
- xcv.** An Act for extending the Line of the Railway between *London* and *Blackwall* called "The Commercial Railway;" and for amending the Acts relating thereto. 585
- xcvi.** An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Brighton* in the County of *Sussex*. 586
- xcvii.** An Act for the more speedy Recovery of Small Debts within the Manor of *Hatfield* and other Places in the West Riding of the County of *York*. *Ibid.*
- xcviii.** An

- xcviii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Belper* and several other Places in the County of *Derby*. Page 586
- xcix. An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Newark* and other Places in the Counties of *Nottingham* and *Lincoln*. *Ibid.*
- c. An Act for the more easy Recovery of Small Debts within the Parishes of *Prestwich-cum-Oldham* and *Middleton* in the County of *Lancaster*. *Ibid.*
- ci. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Bury* and other Places therein mentioned in the County of *Lancaster*. *Ibid.*
- cii. An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Wirksworth*, and other Parishes and Places adjacent or near thereto, in the several Counties of *Derby* and *Stafford*. *Ibid.*
- ciiii. An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Eckington* and other Places in the County of *Derby*. *Ibid.*
- civ. An Act for the more easy and speedy Recovery of Small Debts within the Borough and Parish of *Chesterfield*, and other Parishes and Places adjacent or near thereto, in the County of *Derby*. *Ibid.*
- cv. An Act for the more easy and speedy Recovery of Small Debts within the Town and County of the Town of *Nottingham*, and other Places therein mentioned, in the Counties of *Nottingham* and *Derby*. *Ibid.*
- cvi. An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Halifax*, *Bradford*, *Keighley*, *Bingley*, *Guiseley*, *Colverley*, *Batley*, *Birstal*, *Mirfield*, *Hartishead-cum-Clifton*, *Almondbury*, *Kirkheaton*, *Kirkburton*, and *Huddersfield*, and the Lordship or Liberty of *Tong*, in the County of *York*. 587
- cvii. An Act for further extending the Approaches to *London Bridge*, and amending the Acts relating thereto. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. **A**N Act for inclosing certain Open and Common Downs or Sheepwalks within the several Tithings of *Oxenbourn* and *Ramsdean* in the Parish and Manor of *Eastmeon* in the County of *Southampton*. Page 588
2. An Act for inclosing Lands in the Honour or Lordship of *Chirk* and *Chirk Land* in the several Parishes of *Llangollen* and *Llainsaintfraid Glyn Ceiriog* in the County of *Denbigh*. *Ibid.*
3. An Act for inclosing Lands in the Parish of *Stow cum Quy* in the County of *Cambridge*. *Ibid.*
4. An Act for inclosing Lands in the Parish of *Moulton* in the County of *Suffolk*. 589
5. An Act for inclosing Lands in the Parishes of *Fretherne* and *Saul* in the County of *Gloucester*. *Ibid.*
6. An Act for inclosing Lands in the Parish of *Melbourn* in the County of *Cambridge*. *Ibid.*
7. An Act for the Sale of the Advowson of the Vicarage of *Tetbury* in the County of *Gloucester*. *Ibid.*
8. An Act for inclosing Lands in the Parish of *Berkeley* in the County of *Gloucester*. *Ibid.*
9. An Act for inclosing Lands in the Manor and Township of *Todley* in the Parish of *Dronfield* in the County of *Derby*. *Ibid.*
10. An Act for inclosing Lands in the Manor of *Unstone* in the Parish of *Dronfield* in the County of *Derby*. 590
11. An Act for inclosing Lands in the Parish of *Ringstead* in the County of *Northampton*. *Ibid.*
12. An Act for inclosing Lands in the Parish of *Barton* in the County of *Cambridge*. *Ibid.*
13. An Act for inclosing Lands in the Borough or Township of *Clun* in the Parish of *Clun* in the County of *Salop*. *Ibid.*
14. An Act for inclosing Lands in the Parish of *Comberton* in the County of *Cambridge*. *Ibid.*
15. An Act for inclosing Lands in the Parish of *Rampton* in the County of *Cambridge*. 591
16. An Act to enable *Jane Mills* to grant Building and Repairing Leases of Estates in the Parish of *Aston-juxta-Birmingham* in the County of *Warwick*, devised by the Will of the late *Wriothesly Digby* Esquire; and also to alter and amend the Power of leasing contained in the Marriage Settlement of *Charles Wriothesly Digby* Esquire. *Ibid.*
17. An

17. An Act to enable the Trustees of the Estates devised by *William Hulme* Esquire to appropriate certain Parts of the accumulated Fund arising from the said Estates towards the Endowment of Benefices, the building of Churches, and for other Purposes. *Page 591*
18. An Act for vesting certain Hereditaments situate in the Parish of *Drypool* within the Borough of *Kingston-upon-Hull* and in the Parish of *Sutton* in the East Riding of the County of *York* respectively, late the Property of *Robert Raikes* Esquire, deceased, in Trustees, upon Trust to be sold, and for laying out the Money arising therefrom in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*
19. An Act for giving effect to certain Powers as to Parts of the Settled Estates of the Most Noble *Richard Plantagenet* Duke of *Buckingham* and *Chandos*. *Ibid.*
20. An Act to enable the Mayor and Commonalty and Citizens of the City of *London* to let and sell Parcels of Ground in *Saint George's Fields* near *Bethlem Hospital* to the Governors of the said Hospital. *Ibid.*
21. An Act for enabling the Keepers and Governors of the Possessions, Revenues, and Goods of the Free Grammar School of *John Lyon* within the Town of *Harrow on the Hill* in the County of *Middlesex* to grant improving Leases of their Estates at *Harrow* and *Barnet*, and for other Purposes therein mentioned. *592*
22. An Act for explaining and amending an Act made and passed in the Fifty-ninth Year of His Majesty King *George* the Third, intituled *An Act for vesting the Manor of Oram, and certain Messuages, Lands, Tenements, and Hereditaments in the County of Sussex, Part of the Settled Estates by the Will of Samuel Blunt Esquire, deceased, in Trustees, to be sold; and for vesting the Money arising from such Sale in the Purchase of other Estates, to be settled to the same Uses.* *Ibid.*
23. An Act for vesting certain Parts of the devised Estates of *Hannah Gilpin Sharp* Widow, deceased, in Trustees, in Trust to be sold or demised, for the Purposes therein mentioned. *Ibid.*
24. An Act for vesting certain Parts of the Entailed Estate of *Ladykirk* in Trustees, to be sold, for Payment of the Debts affecting the same, and for other Purposes therewith connected. *Ibid.*
25. An Act for authorizing the granting of Leases of Part of the Estates in the County of *Kent* devised by the Will of the Right Honourable *Edward* Earl of *Darnley* deceased. *Ibid.*
26. An Act to authorize the granting of Mining and Building Leases and Conveyances of Parts of the Estates devised by the Will of *James Alexander Hodson* Esquire, deceased, subject to the Trusts of such Will. *Ibid.*
27. An Act to enable the Mayor and Commonalty and Citizens of the City of *London* to sell Building Ground in *Saint George's Fields*. *Ibid.*

28. An Act for inclosing certain Lands called the *West Croft* and *Burton Leys*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. Page 592
29. An Act for inclosing Lands in the Parishes of *West Beckham* and *Alby* in the County of *Norfolk*. 593
30. An Act for inclosing Lands in the Manor of *Almsworthy* in the Parish of *Exford* in the County of *Somerset*. *Ibid.*
31. An Act for inclosing Lands in the Township of *Hartshead* otherwise *Hartshead* in the Parish of *Dewsbury* in the West Riding of the County of *York*. *Ibid.*
32. An Act for inclosing, allotting, and improving certain Open Fields in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*. *Ibid.*
33. An Act for altering and amending certain Acts relating to the Churches of *Saint Mark*, *Saint Luke*, and *Saint Michael* in the Borough of *Liverpool*. *Ibid.*
34. An Act for vesting the Estate called the *Combe Bank Estate*, late belonging to the Right Honourable *Arthur Lord Templemore*, deceased, in Trustees to sell the same, and to invest the Produce of such Sale for the Benefit of his infant Sons. *Ibid.*
35. An Act to authorize the Sale of certain Lands, Tenements, and Hereditaments in the Counties of *Kent* and *Northampton*, formerly belonging to *William Marshall of Clifford's Inn* in the City of *London*, Gentleman, deceased; and for other Purposes incidental thereto. *Ibid.*
36. An Act to enable *Randolph Earl of Galloway*, or the Heir in Possession of the Entailed Estates of *Garlies*, *Baldoon*, *Newton Stewart*, and others, in the County of *Wigton* and Stewartry of *Kirkcudbright*, to reclaim certain sloop Ground on the Shores of the said Estates, and to drain and improve the *Moss of Cree*, Part thereof; and to burden the said Estates partially, and the reclaimed and improved Land, with the Expence; and also to burden the said Estates with certain Expences incurred by the said Earl in improving the same. 594
37. An Act for vesting Parts of the Estates of *Sir John Davie* Baronet, deceased, in Trustees, upon Trust to be sold; and for laying out the Purchase Money, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*
38. An Act for effecting an Exchange of Mines and Lands between *Sir Benjamin Hall* Baronet and others, and *Capel Hanbury Leigh* Esquire and others. *Ibid.*
39. An Act to authorize Conveyances in Fee Farm, or Demises for long Terms of Years under reserved Rents, of certain Parts of the Settled Estates of the Right Honourable *George Harry Earl of Stamford and Warrington*. *Ibid.*
40. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Reading* in the County of *Berks* to sell certain Real Estate discharged from certain Liabilities, and to invest the Purchase

- chase Monies arising from such Sales in the Purchase of other Real Estate, to be charged with such Liabilities. *Page 594*
41. An Act for exchanging Freehold and Copyhold Estates belonging to *John Motteux* Esquire, in *West Rudham* and *East Rudham* in the County of *Norfolk*, for Freehold, Copyhold, and Leasehold Estates in *Darsingham* in the same County, settled under the Will of *Horatio* Earl of *Orford* deceased. *Ibid.*
42. An Act for authorizing the Sale of the Real Estate devised by the Will of *Henry Boulton* Esquire, deceased, and for the Application of the Monies to arise thereby. *Ibid.*
43. An Act for vesting the undivided Sixth Share of *Ann Campbell Bligh* Spinster, a Lunatic, as One of the Six Daughters and Co-heiresses of *William Bligh* Esquire, deceased, in certain Lands and Hereditaments in *New South Wales* of which the said *William Bligh* died seised, in Trustees, in whom the other Five undivided Sixth Shares are now vested, upon Trust for Sale. *595*
44. An Act for enabling the Trustees of the Will of the Reverend *John Templer* Clerk, deceased, to exchange certain of the Real Estates thereby devised, situate in the County of *Devon*, for certain other Estates situate in the same County. *Ibid.*
45. An Act to enable *William Russell* Esquire to grant Leases of Coal Mines under the Lands within the Manor or Lordship of *Brancepeth* and other Lands in the County of *Durham*, devised by or subject to the Uses and Trusts of the Will and Codicil of *William Russell* Esquire, deceased, and the Will and Codicil of *Matthew Russell* Esquire, deceased. *Ibid.*
46. An Act for inclosing Lands within the Parishes of *Rathkeale* and *Croagh* in the County of *Limerick*. *Ibid.*
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PRIVATE ACTS,

NOT PRINTED.

47. An Act for naturalizing *John Christoph Kayser*.
48. An Act to enable *William Beckett* Esquire and his Issue Male to take the Name and bear the Arms of *Turner*, pursuant to the Will of *Martha Turner* Widow, deceased.
49. An Act for naturalizing *Ernest Reuss*.
50. An Act for naturalizing *Don Manuel de la Torre y Antünano*.
51. An Act for naturalizing *George Edward Biber*.
52. An Act to dissolve the Marriage of *Johnstone Napier* Esquire, a Lieutenant Colonel in the Military Service of the *East India* Company on their *Madras* Establishment, with *Isabella* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
53. An

The TITLES of the STATUTES, &c.

53. An Act to dissolve the Marriage of *Dionysius Lardner* Clerk, Doctor of Civil Law, with *Cecilia Lardner* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 54. An Act to dissolve the Marriage of *Henry Coode* (otherwise *Cood*) Esquire with *Jane* his now Wife, and to enable him to marry again ; and for other Purposes.
 55. An Act to dissolve the Marriage of *William Carleton* Esquire with *Rosamond Carleton* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 56. An Act for naturalizing *Nicola Ivanoff*.
 57. An Act to dissolve the Marriage of *Robert Allison* with *Mary Ann* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 58. An Act to dissolve the Marriage of *Edward Leigh Pemberton* with *Charlotte* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 59. An Act to dissolve the Marriage of *Richard John Sutcliffe Mellin* Esquire with *Jane Mellin* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 60. An Act to dissolve the Marriage of the Reverend *William Andrew Weguelin* Clerk with *Emma* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
 61. An Act for naturalizing *Alexander Henry Augustus John* Count de *Saint George*.
 62. An Act for naturalizing *Samuel Aspinwall Goddard*.
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THE
STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginae,
Secundo.

‘ **A**T the Parliament begun and holden at *Westminster*,
‘ the Fifteenth Day of *November*, *Anno Domini* 1837, in
‘ the First Year of the Reign of our Sovereign Lady
‘ VICTORIA, by the Grace of God, Queen of the United
‘ Kingdom of *Great Britain* and *Ireland*, Defender of the Faith :
‘ And from thence continued, by several Prorogations, to the
‘ Fifth Day of *February* 1839; being the Second Session of the
‘ Thirteenth Parliament of the United Kingdom of *Great Britain*
‘ and *Ireland*.’

C A P. I.

An Act to amend an Act of the First and Second Year of
Her present Majesty for the more effectual Relief of the
destitute Poor in *Ireland*. [15th *March* 1839.]

‘ **W**HEREAS by an Act passed in the last Session of Parlia-
‘ ment, intituled *An Act for the more effectual Relief of the* 1 & 2 Vict. c. 56.
‘ *destitute Poor in Ireland*, it is amongst other things enacted, that
‘ it shall be lawful for the Poor Law Commissioners from Time
‘ to Time, by Order under their Seal, to unite such and so many
‘ Townlands as they may think fit to be an Union for the Relief
‘ of the destitute Poor, to declare any Union to be dissolved, or
‘ any Townland or Townlands to be added to or separated from
‘ such Union, to divide any Union into Electoral Divisions for the
‘ Election of Guardians, and to alter any Division from Time to
‘ Time as they may see fit, so nevertheless that in making or alter-
‘ ing such Division no Townland shall be divided; and Provision
‘ is thereby further made for the Election of Guardians for every
‘ Electoral Division, for the Relief of the destitute Poor resident
‘ in such Electoral Divisions, and the charging of the Expence of
‘ such Relief thereon, and for making and levying Rates within
‘ every such Electoral Division: And whereas the Boundaries of
‘ many Townlands are not accurately known, and Places exist
‘ which are not Townlands, or not known as Townlands, and Doubts
‘ have been entertained whether the Provisions of the said Act can
2 & 3 VICT. B ‘ be

Recited Act to extend to every Place in Ireland.

Cities, Towns, &c. with a Population exceeding 10,000 may be constituted Electoral Divisions;

and such Electoral Divisions may be divided into Wards.

Places may be declared to be Townlands.

Boundaries of Townlands, &c. may be declared for the Purposes of the recited Act.

Rate-payers to vote at Elections of Guardians according to Scale in recited Act.

Sums not exceeding 200*l.* may be borrowed to defray Expences previous to the levying of a Rate.

‘ be applied to such Townlands and Places; and it is expedient that ‘ such Doubts should be removed:’ Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provisions, and all other Provisions of the said Act in any way relating to Townlands, shall be construed to extend and apply to every Place in *Ireland*, whether known as a Townland or not.

II. And be it enacted, That where in the Abstract of the Accounts of the Population taken by Authority of Parliament under an Act made in the Fifty-fifth Year of the Reign of King *George* the Third, and the several Acts amending the same, the Population of any City, Borough, or Town, and the Suburbs thereof, shall be stated to exceed Ten thousand, or where the Population of any other Place shall be so stated to exceed Ten thousand, and the Area of such Place shall not exceed Three Miles for every Ten thousand Persons, it shall be lawful for the said Commissioners to constitute such City, Borough, or Town, and the Suburbs thereof, or such other Place, or any Part or Parts thereof respectively, an Electoral Division for the Purposes of the said Act; and, for the Purpose of conducting the Election of Guardians, from Time to Time to divide such Electoral Division into such and so many Wards, and to alter the same as they may see fit, and to determine and alter the Number of Guardians to be elected by the Rate-payers in every such Ward.

III. And be it enacted, That it shall be lawful for the Commissioners, by Order under their Seal, to declare any Place not known to the said Commissioners as a Townland or Townlands to be, for the Purposes of the said Act, a Townland.

IV. And be it enacted, That in every Case in which the Boundaries of any Townland, or of any Place declared by the Commissioners to be a Townland, shall not be determined and made known to the Commissioners, it shall be lawful for the said Commissioners, by Order under their Seal, to declare, for the Purposes of the said Act, the Boundaries of such Townland or Place; and the Boundaries so declared shall accordingly be deemed and taken to be the Boundaries of such Townland or Place until the true Boundaries thereof shall be lawfully ascertained and made known to the Commissioners, and until they shall have revoked such Order.

V. And be it enacted, That in the Election of Guardians under the Provisions of the said Act every Rate-payer who, under the last Rate made in any Union, shall have paid or contributed or be liable to pay or contribute Rate in respect of Property in any Electoral Division shall have a Vote or Votes in the Election of Guardians in such Electoral Division, according to the Scale of Votes provided by the said Act.

VI. ‘ And whereas under the said Act certain Expences may be ‘ incurred in and about the Election of Guardians, in making ‘ Rates, Surveys, and Valuations, and in other respects, before ‘ any Rate can be levied or collected for the defraying of such Expences;’ be it enacted, That, for the Purpose of defraying any Expences to be incurred in carrying the Provisions of the said Act into execution, previous to the levying of a Rate in any

Union, it shall be lawful to borrow and charge upon the first Rate to be made and levied in such Union under the Provisions of the said Act a Sum not exceeding Two hundred Pounds, with Interest thereon.

VII. And be it enacted, That all Conveyances or Assignments on the Purchase or Sale of any Lands, Tenements, or Hereditaments by the Poor Law Commissioners under the Provisions of the said Act may be made according to the Form set forth in the Schedule hereunto annexed, or in such other Form or Forms as the Poor Law Commissioners shall from Time to Time direct, or as near thereto as the Number of Parties, the Nature of the Interests, and the Circumstances of the Case will admit; and such Conveyances shall be valid and effectual in the Law, without Livery of Seisin being made, or any Bargain and Sale to vest Possession being executed or recited or referred to, and without being enrolled, and shall have such Operation as in the said Act mentioned.

Conveyances to be made in the Form set forth in the Schedule.

VIII. And be it enacted and declared, That so often as any Purchase or Compensation Money shall, under the Provisions of the said Act, be payable into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, and such Money shall not be placed to the Account of such Accountant General to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments, under the Provisions in the said Act referred to, such Purchase or Compensation Money shall be placed to the Account of the said Accountant General "*ex parte* the Poor Law Commissioners."

Money paid into the Bank of Ireland.

IX. ' And whereas by the said Act it is provided, that if any Person or Persons shall find himself or themselves aggrieved by any Order or Conviction of any Justice or Justices, (except where such Justice shall be an Assistant Barrister,) where such Person or Persons shall be convicted in any Penalty or Penalties exceeding Five Pounds, or by any Rate made under this Act, or shall have any material Objection to any Person or Persons being put in or left out of such Rate, or to the Sum charged on any Person therein, it shall be lawful for such Person or Persons to appeal to any Sessions of the Peace to be held in the Presence of the Assistant Barrister in and for the County in which such Rate or such Order shall have been made or Conviction taken place within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month next after such Cause of Complaint, then such Appeal shall be made to the next following Sessions: And whereas certain Sessions of the Peace for Counties are not held in the Presence of Assistant Barristers, and it is therefore doubted whether Appeals under the said Act can be made to such Sessions; be it therefore declared and enacted, That every such Appeal may be made and heard, and the Matter thereof determined by any General or Quarter Sessions of the Peace held for the County, County of a City, or County of a Town, in which the Cause of Complaint may have arisen, in the same Manner in all respects as is provided by the said Act, although such Sessions be not held in the Presence of an Assistant Barrister; and in the Case of an Appeal against a Rate when the rateable Hereditament in respect of which the Rate is made and the Cause of Complaint

Appeals may be heard at Sessions at which an Assistant Barrister does not attend.

As to hearing Appeals within limited Jurisdiction

arises is situate within the Limits of the Jurisdiction of Two or more such Sessions, then to the Sessions of the Peace of a County in preference to that of a County of a City or Town; and when the Jurisdictions are of the same Nature, then to the Sessions which the Appellant shall choose to appeal to.

As to Removal
of Rates by
Certiorari.

X. And be it enacted, That so much of the said recited Act as relates to the Removal by Writ of Certiorari of Rates made under the Provisions of the said Act, and to Applications and to the Persons making Application for such Removal, shall be and the same is hereby repealed.

Act may be
amended, &c.
this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

Form of Conveyance or Assignment.

THIS Deed, made the _____ Day of _____ One thousand eight hundred and _____ by virtue of the Acts for the more effectual Relief of the destitute Poor in Ireland, witnesseth, That in consideration of the Sum of _____ to [or into the Bank of Ireland] paid by he [or they] the said _____ doth [or do] grant and convey [or assign and transfer] unto the said _____ all [insert Description of the Property conveyed or assigned], with the Appurtenances, to hold the same unto the said _____, their Successors and Assigns, [or his or their Heirs and Assigns, or Executors, Administrators, and Assigns, as the Case may require,] for ever [or for the Residue of a Term of _____ Years, commencing from the _____ Day of _____ created by an Indenture dated the _____ Day of _____ and made between _____ or otherwise, as the Case may require]. In witness whereof the said _____ hath [or have] hereto set his Hand and Seal [or their Hands and Seal, or their Seal, as the Case may require]; and the said _____ hath [or have] set his Hand and Seal [or their Hands and Seal, or their Seal, as the Case may require].

C A P. II.

An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and thirty-nine.

[15th March 1839.]

C A P. III.

An Act to authorize the immediate Distribution of a Portion of the Fund applicable to the Relief of Persons entitled to certain Arrears of Tithe Compositions under an Act of the last Session of Parliament, to abolish Compositions for Tithes in *Ireland*, and to substitute Rent-charges in lieu thereof; and for other Purposes. [27th March 1839.]

1 & 2 V. c. 109. ' WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*, whereby ' it

' it was among other things enacted, that Exchequer-Bills to an
 ' Amount not exceeding Two hundred and sixty thousand Pounds
 ' in the whole should be made out and applied, together with the
 ' Sums which had arisen or which should arise in Her Majesty's
 ' Exchequer on account of certain Instalments payable to the
 ' Crown under the Provisions of an Act passed in the Session
 ' of Parliament holden in the Third and Fourth Years of the Reign
 ' of His late Majesty, intituled *An Act for the Relief of the Owners* 3&4W.4.c.100.
 ' *of Tithes in Ireland, and for the Amendment of an Act passed*
 ' *in the last Session of Parliament, intituled ' An Act to amend*
 ' *Three Acts passed respectively in the Fourth, Fifth, and in the*
 ' *Seventh and Eighth Years of the Reign of His late Majesty*
 ' *King George the Fourth, providing for the Establishment of*
 ' *Compositions for Tithes in Ireland,* to the Indemnification of
 ' certain Cases of Persons who might not have received Payment
 ' of Compositions for Tithes in *Ireland* accrued and remaining
 ' due and payable for the Four Years then last past; and such
 ' Persons were directed to apply for Relief accordingly to the
 ' Lord Lieutenant of *Ireland* in Her Majesty's Privy Council
 ' there; and every such Application was directed to be made by
 ' Memorial, with a Schedule setting out the Particulars of each
 ' Claim thereunto attached; and the said Lord Lieutenant in
 ' Council was authorized to cause all such Memorials and Sched-
 ' ules to be revised, and the several Matters and Things stated in
 ' or appearing thereby proved upon such Evidence as to him and
 ' them should seem proper; and it was provided, that the Schedule
 ' attached to each Memorial should distinguish such of the Com-
 ' positions in arrear, if any, as were payable by Persons having,
 ' when the same accrued due, such like Estates or Interests in
 ' the Lands chargeable therewith as would under the Provisions
 ' of the said Act of the last Session of Parliament have made the
 ' Owners thereof liable to the Rent-charge substituted for the said
 ' Compositions; and the Right to all Arrears of Compositions so
 ' due and in arrear from Persons having such Estates or Interests
 ' as aforesaid was transferred to and vested in Her Majesty, and
 ' Her Attorney General for *Ireland* was directed to take certain
 ' Proceedings for the Recovery thereof, and the Amount received
 ' or recovered was directed to be paid over to the respective
 ' Parties in whose Right so transferred to the Crown the same
 ' had been received or recovered; and upon and after the Com-
 ' pletion of all such Proceedings the said Lord Lieutenant was
 ' authorized to certify to the Commissioners of the Treasury the
 ' Sum found due to each Memorialist who should be declared
 ' entitled to Relief under the said Act, exclusive of any Sums
 ' recovered by the Proceedings aforesaid, and paid to him; and
 ' the Sums raised by the Exchequer Bills directed to be made out
 ' as herein-before mentioned, and the Sums which had arisen or
 ' which should arise in Her Majesty's Exchequer on account of
 ' the Instalments herein-before mentioned, were, after deducting
 ' the necessary Expences attendant upon the Execution of the
 ' said Act, directed to be distributed rateably among the several
 ' Memorialists entitled to Relief thereunder in proportion to the
 ' Amount of their several Claims: And whereas it has been found
 ' that the Proceedings necessary to be taken before the Amount

When any Memorialist shall have been declared to be entitled to Relief under 1 & 2 Vict. c. 109. the Lord Lieutenant may certify to the Treasury the Sum due to such Memorialist and the Sum proper to be paid upon account to him; and the Treasury may direct Payment accordingly.

Proviso.

The Applications for Relief of Elizabeth Gore, Widow, and Eliza Edwards, Widow, may be received, although the Period limited for receiving Applications has expired.

‘ of the several Claims to Relief under the said Act can be precisely ascertained, or the Fund applicable to such Purpose fully realized, will be attended with a Delay which makes it expedient to allow of an immediate partial Distribution of the said Fund :’
 Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when and so soon as the said Lord Lieutenant of *Ireland* and Council shall have declared any Memorialist to be entitled to Relief under the said Act in respect of any Compositions for Tithe due or payable to him for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, or One thousand eight hundred and thirty-seven, it shall be lawful for the said Lord Lieutenant to certify to the Commissioners of the Treasury the Sum which shall be found due to such Memorialist, exclusive of any Sum or Sums claimed by him to be due by any Person against whom Proceedings may be had by Her Majesty’s Attorney General, as by the said Act directed, and also to certify such Sum as to the said Lord Lieutenant and Council may seem proper to be paid to such Memorialist upon account of his Claim to Relief under the said Act; and it shall be lawful for the said Commissioners of the Treasury to direct Payment to be made to him accordingly from and out of any Monies which shall have arisen to the Credit of the Tithe Arrear Account opened in the Books of the Bank of *Ireland* and of Her Majesty’s Exchequer, as directed by the said Act: Provided always, that no greater Sum shall be so advanced to any Memorialist upon account as aforesaid than the proportionate Sum which would be payable to him out of the said Monies if the Claims of all other Memorialists for Relief thereout were allowed; and provided also, that a sufficient Sum shall be reserved out of the said Monies to defray the Expences which may be incurred in carrying the said Act into execution; and provided also, that, in the final Distribution of the Monies applicable to the Relief of Memorialists under the said Act, any Sum which shall have been previously advanced on account to any Memorialist as aforesaid shall be deducted from the proportionate Sum to which he would have been entitled if no such Advance upon account had been made to him.

II. ‘ And whereas *Elizabeth Gore*, the Widow of the Reverend *John Gore*, late Rector and Vicar of the Parishes of *Marshals-town* and *Aghada* in the Diocese of *Cloyne*, and *Eliza Edwards*, the Widow of the Reverend *Anthony Edwards*, late Rector and Vicar of the Parishes of *Geal* and *Ballysheehane* in the Diocese of *Cashel*, claiming to be entitled as the personal Representatives respectively of their deceased Husbands to Relief under the Provisions of the said Act in respect of certain Compositions for Tithes, and being resident at Places distant from the said Parishes, have been prevented by that and other Circumstances making Application for Relief under the said Act within the Period by the said Act limited for that Purpose, and are by reason of such Delay debarred the Relief afforded by the said Act, and deprived by the Provisions of the said Act of all Remedy for the Recovery of the Compositions to which they may be severally entitled;’

'ted;' in consideration whereof and of the special Circumstances of the Case, be it enacted, That it shall and may be lawful for the said *Elizabeth Gore* Widow, and for the said *Eliza Edwards* Widow, at any Time within One Calendar Month next after the passing of this Act, to make Application to the said Lord Lieutenant of *Ireland* in Her Majesty's Privy Council there, praying Relief in respect of any Compositions for Tithes accrued and now remaining due and payable for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, or One thousand eight hundred and thirty-seven, to them respectively as the personal Representatives of their several deceased Husbands; and that such Applications shall be made in the same Manner and in all respects subject to the like Regulations and Directions as by the said Act provided in respect of other Applications for Relief thereunder; and that such Applications shall be dealt with in the same Manner, and all such and the like Proceedings had thereupon, as if such Applications had been made within the Period by the said Act limited; and that the said *Elizabeth Gore* and *Eliza Edwards*, if otherwise entitled thereto, shall receive the like Relief as other Memorialists under the said Act.

III. ' And whereas an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent*, whereby, after reciting that it was "expedient that a fixed and permanent Composition in lieu of Tithes should, with a view to the future Commutation thereof, be generally established throughout that Portion of the United Kingdom called *Ireland*," Provision was made authorizing a Composition for Tithes to be established within Three Months next after the passing of the said Act by a sole Commissioner to be for that Purpose nominated by the Lord Lieutenant of *Ireland*, in every Parish or Part of a Parish wherein a Composition should not have been previously made under the Provisions of the Acts theretofore passed for that Purpose: And whereas it has been found that notwithstanding the Provisions of the said Act there are some Parishes and Parts of Parishes wherein no such Composition for Tithes has yet been established, and it is necessary, in order to the Establishment of Rent-charges in such Parishes and Parts of Parishes, pursuant to the Intent of the herein-before recited Act of the last Session of Parliament, that a Composition for the Tithes of such Parishes or Parts of Parishes should be previously made;' be it therefore enacted, That it shall and may be lawful for the said Lord Lieutenant of *Ireland*, as soon as conveniently may be after the passing of this Act, to nominate some proper Person to be a Commissioner for the Purpose of establishing a Composition for Tithes in each Parish or Part of a Parish in *Ireland* wherein a Composition for the Tithes thereof has not been heretofore made; and that all and every the Provisions contained in the said Act passed in the Session of Parliament

In Parishes where a Composition for Tithes has not yet been established, such Composition shall be made, and Rent-charges substituted, as in Cases of Parishes previously compounded.

holden in the Second and Third Years of His late Majesty's Reign, with respect to any Person to be appointed a Commissioner for the Purposes of such Act, shall apply to any Person who may be appointed a Commissioner hereunder; and that all and every the like Proceedings shall be had for the Purpose of carrying the said Act into execution in any such Parish or Part of a Parish, and for defraying the Expences attendant thereon, as if Compositions of Tithe had not been abolished by the herein-before recited Act of the last Session of Parliament, so far as may be necessary for the Establishment of a Composition for the Tithes of any such Parish or Part of a Parish, and for the Assessment or Applotment thereof, and the Apportionment of such Composition amongst the Party or Parties entitled to the Tithes or any particular Share or Proportion thereof for which such Composition shall be established; and that the like Appeal may be made within the like Period against any such Composition, or against the Assessment or Applotment thereof, and the like Proceedings had upon any such Appeal, as were authorized or directed in the Case of any Composition or Assessment or Applotment thereof heretofore made under the said Act passed in the Session of Parliament holden in the Second and Third Years of His late Majesty's Reign: Provided always, that when and so soon as the Periods limited for such Appeals respectively shall have expired or the same shall have been decided, and such Composition and the Assessment or Applotment thereof shall have been finally established and settled, all and every the Provisions of the said Act passed in the last Session of Parliament shall thereupon be deemed and taken to apply to every such Composition so established by virtue of this Act; and that an annual Sum or Rent-charge equal to Three Fourths of such Compositions shall become payable in like Manner to all Intents and Purposes as in the Case of Compositions established previous to the passing of the said Act of the last Session of Parliament; and every Provision in such Act contained with respect to the Rent-charges established thereby shall apply to the Rent-charges to be established by virtue hereof; and every such Rent-charge established by virtue hereof shall take effect from the First Day of *November* One thousand eight hundred and thirty-seven; and the First Payment thereof shall become due so soon as the Periods limited for the Appeals before mentioned shall have expired or the same shall have been decided, and be then paid by One entire Payment: Provided nevertheless, that if any Payment on account of the Tithes accrued due for the said Year One thousand eight hundred and thirty-seven, or any Render thereof in Kind, shall have been previously made, the Amount or Value thereof shall be deducted from the First Payment of the said Rent-charge.

Certain Provisions of 1 & 2 Vict. c. 109., relative to the Remission of Instalments, amended.

IV. ' And whereas the said Act of the last Session of Parliament
' empowered the said Lord Lieutenant in Council to remit the
' herein-before mentioned Instalments payable to Her Majesty
' under the said recited Act of the Third and Fourth Years of His
' late Majesty's Reign, under certain Restrictions and Regulations,
' whereof One was, that where the Whole or some Part of the
' Sums by the said last-mentioned Act added in respect of the
' Advances thereunder to any Compositions for Tithes were found

‘ to be payable to the Person liable to any such Instalment by
 ‘ Persons being both the Owners and Occupiers at the same Time
 ‘ of the Lands charged with such Compositions, such Instalment,
 ‘ or so much thereof as should be equivalent to the said Sums
 ‘ payable by such Persons, should not be remitted; and the said
 ‘ Act provided, that from and against such Persons, being such
 ‘ Owners and Occupiers as aforesaid, the Person liable to any such
 ‘ Instalment might sue for and recover the Sums so added to the
 ‘ said Compositions, and remaining due and in arrear from them,
 ‘ by all the Ways and Means by which Compositions for Tithes
 ‘ might have been recovered if the said Act of the last Session of
 ‘ Parliament had not been passed: And whereas it is expedient to
 ‘ make further Provision for the Relief of the Persons liable to the
 ‘ said Instalments;’ be it therefore enacted, That, any thing in the
 said Act of the last Session of Parliament to the contrary not-
 withstanding, it shall be lawful for the said Lord Lieutenant in
 Council to remit the Whole or any Part of any such Instalment as
 aforesaid, although the Whole or any Part of the said Sums so
 added to the said Compositions shall be found to be payable to
 the Person liable to such Instalment by Persons being both the
 Owners and Occupiers at the same Time of the Lands charged
 with such Compositions; provided, however, that so soon as the
 Whole or any Part of such Instalment shall be remitted by the said
 Lord Lieutenant in Council (whereof the Certificate of the Clerk
 of the Council shall be sufficient Evidence), the Right to all Sums
 so added to the said Compositions, and remaining due and payable
 to the Person so relieved from such Instalment or Part thereof, by
 Persons being both the Owners and Occupiers at the same Time
 of the Lands charged with such Compositions, shall vest in Her
 Majesty; and that the like Proceedings shall be had for enforcing
 Payment thereof as are in and by the said Act directed to be
 taken touching all Compositions for Tithe the Right to which is
 vested in Her Majesty under or by virtue of the Provisions thereof;
 and that all Monies so recovered shall be paid into the Bank of
Ireland to the Credit of the herein-before mentioned “ Tithe
 Arrear Account.”

V. And be it enacted, That the Provision made by the said Act
 of the last Session of Parliament for the Interpretation of certain
 Words and Expressions therein shall apply and extend to the like
 Words and Expressions in this Act; and that by the Expression
 “ Owners and Occupiers at the same Time of the Lands charged
 with Compositions ” (wherever such Expression may occur in the
 said Act or in this Act) shall be understood Persons occupying
 the Lands charged with such Compositions, and having in the said
 Lands such like Estates or Interests as would under the Pro-
 visions of the said Act have made the Owners thereof liable to
 the Payment of the Rent-charges mentioned therein if such Act
 had been in force, and such Rent-charges payable at the Time
 when such Composition accrued due.

Interpretation
 of certain Words
 in this Act.

VI. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this present Session of Par-
 liament.

Act may be
 amended, &c.
 this Session.

C A P. IV.

An Act to alter the Powers of jointuring contained in several Acts for purchasing and providing a Residence and Estates for the Duke of *Wellington*, and to settle certain Articles to go as Heirlooms with the said Estates.

[27th March 1839.]

53 G. 3. c. 4.

‘ **W**HEREAS by an Act passed in the Fifty-third Year of the
 ‘ Reign of His late Majesty King *George* the Third, inti-
 ‘ tuled *An Act for granting a Sum of Money for purchasing an*
 ‘ *Estate for the Marquis of Wellington and his Heirs, in con-*
 ‘ *sideration of the eminent and signal Services performed by the*
 ‘ *said Marquis of Wellington to His Majesty and the Public*, it
 ‘ was amongst other things enacted, that a Sum not exceeding
 ‘ One hundred thousand Pounds of lawful Money of *Great Britain*
 ‘ should be paid out of the Consolidated Fund of *Great Britain*,
 ‘ free and clear of all Taxes and Deductions whatsoever, to the
 ‘ Speaker of the House of Commons, the Lord High Treasurer of
 ‘ *Great Britain* or First Lord Commissioner of the Treasury, the
 ‘ Chancellor of the Exchequer for the Time being respectively, the
 ‘ Right Honourable *William Wellesley Pole*, and the Honourable
 ‘ and Reverend *Gerald Valerian Wellesley*, Doctor in Divinity, in
 ‘ Trust to and for the Use of the said Marquis of *Wellington* and
 ‘ such other Persons on whom the Title of Marquis of *Wellington*
 ‘ should descend, and in failure of Issue Male of the said Marquis
 ‘ of *Wellington*, in Trust to and for the Use of the Heirs of the
 ‘ Body of the said Marquis of *Wellington*, and to apply the same
 ‘ in the Manner therein-after directed; and it was by the now-
 ‘ reciting Act further enacted, that it should be lawful for the said
 ‘ Trustees to whom the said Sum of One hundred thousand Pounds
 ‘ was thereby granted as aforesaid, and they were thereby required,
 ‘ to lay out and invest the said Sum of One hundred thousand
 ‘ Pounds, or any Part thereof, in the Purchase of any Freehold
 ‘ Manors, Lands, Tenements, and Hereditaments of a good Estate
 ‘ of Inheritance in Fee Simple in Possession, to be free from In-
 ‘ cumbrances (except Fee Farm and Quit Rents and other Rents
 ‘ and Services), and to be situate in any Part of *Great Britain*;
 ‘ and the said Freehold Manors, Lands, Tenements, and Heredita-
 ‘ ments should, when so purchased, be forthwith settled, conveyed,
 ‘ and assured to the Use of the said Marquis of *Wellington*, and to
 ‘ the Heirs Male of the Body of the said Marquis of *Wellington*,
 ‘ and to such other Person to whom the said Title, Honour, and
 ‘ Dignity of Marquis of *Wellington* should descend, pursuant to
 ‘ the Limitations of the Patent whereby the said Dignity was
 ‘ granted, and in default and in failure of Heirs Male of the Body
 ‘ of the said Marquis, then to the Use of the Heirs of the Body
 ‘ of the said Marquis of *Wellington*; and it was by the now-
 ‘ reciting Act further enacted, that it should be lawful for the
 ‘ said Marquis of *Wellington*, or for the Person upon whom the
 ‘ said Title of Marquis of *Wellington* should descend, either before
 ‘ or after his Marriage with any Woman or Women, by any Deed
 ‘ or Deeds, or Writing or Writings, with or without Power of
 ‘ Revocation, to be by him sealed and delivered in the Presence
 ‘ of

' of Two or more credible Witnesses, (but subject and without
 ' Prejudice to the Annuity or Annuities, yearly Sum or Sums, if
 ' any, which should be then subsisting and payable by way of
 ' Jointure or Jointures out of the said Manors, Lands, Tenements,
 ' and Hereditaments, by virtue of any Grant, Limitation, or Ap-
 ' pointment to be made in pursuance of the Honour therein con-
 ' tained,) to grant, limit, and appoint unto such Woman or Women
 ' whom he should so marry, for her or their Life or Lives, and for
 ' her or their Jointure or Jointures in bar of Dower, as therein-
 ' after was expressed, any Annuity or yearly Sum not exceeding
 ' the Sum of One thousand five hundred Pounds of like lawful
 ' Money, clear of all Taxes, Charges, and Deductions whatsoever,
 ' by Act of Parliament or otherwise howsoever, to commence and
 ' take effect immediately after the Decease of the Person granting,
 ' limiting, or appointing the same, and to be issuing and payable
 ' out of the said Rents and Profits of the said Manors, Lands,
 ' Tenements, and Hereditaments, and to be paid and payable by
 ' equal quarterly Payments, the first of the said quarterly Pay-
 ' ments to be made on the Quarter Day which should first happen
 ' after the Decease of the Person who should have appointed the
 ' Annuity or yearly Sum last therein-before authorized; and it was
 ' by the now-reciting Act further enacted, that the said
 ' Manors, Lands, Tenements, and Hereditaments should not at one
 ' and the same Time be subject to the Payment of more than
 ' the yearly Sum of Three thousand Pounds for or in respect of
 ' any Jointure or Jointures which should be made in pursuance of
 ' the Powers therein-before contained; and in the now-reciting
 ' Act are contained divers other Powers, Provisions, and Declara-
 ' tions respecting the said Premises: And whereas by an Act also
 ' passed in the Fifty-third Year of the Reign of His said late
 ' Majesty King George the Third, intituled *An Act to amend an*
 ' *Act of the present Session of Parliament for granting a Sum of*
 ' *Money for purchasing an Estate for the Marquis of Wellington*
 ' *and his Heirs, in consideration of the eminent and signal Services*
 ' *performed by the said Marquis of Wellington to His Majesty and*
 ' *the Public,* it was amongst other things enacted, that so long as
 ' the said Title, Honour, and Dignity of Marquis of *Wellington*
 ' should endure, and until there should be a Failure of Issue of
 ' the Body of the said Marquis of *Wellington*, neither the said
 ' Marquis of *Wellington*, nor any other Person to whom the
 ' Manors, Lands, Tenements, and Hereditaments so to be pur-
 ' chased should or might descend or stand limited by virtue of the
 ' Limitations directed by the herein-before mentioned Act, should
 ' have any Power, by Fine or Recovery, or by the Exercise of any
 ' Power, or by any other Act, Assurance, or Conveyance in the
 ' Law, to hinder, bar, or disinherit any the Person or Persons to
 ' or upon whom the said Manors, Lands, Tenements, and Here-
 ' ditaments were by the said recited Act to be vested or limited
 ' from holding or enjoying the same according to the said Limi-
 ' tations, other than and except such Leases and Jointures, and
 ' Power of felling and selling Timber, and disposing of the Monies
 ' thence arising, as might be made or exercised under the Pro-
 ' visions of the said recited Act, and Grants of Lands or Tene-
 ' ments, held by Copy of Court Roll according to the Customs of
 ' the

53 G. 3. c. 133.

54 G. 3. c. 161.

' the respective Manors to be purchased whereof the same might
 ' be held, but all such Fines, Recoveries, Acts, Assurances, and
 ' Conveyances, other than such Leases and Jointures, and Powers,
 ' and Grants by Copy as aforesaid, should be and were thereby
 ' declared and enacted to be void; and it was by the now-
 ' reciting Act further enacted, that on Failure of the Heirs of
 ' the Body of the said Marquis of *Wellington* the Manors, Lands,
 ' Tenements, and Hereditaments so to be purchased as aforesaid
 ' should go and remain to the Use of the said Marquis, his Heirs
 ' and Assigns; which ultimate Remainder or Reversion in Fee Simple
 ' it should be lawful for the said Marquis of *Wellington*, and his
 ' Heirs and Assigns, at any Time or Times during the Continuance
 ' of the said Honour, Title, and Dignity of Marquis of *Wellington*,
 ' and until there should be a Failure of Issue of his Body notwith-
 ' standing any thing therein-before contained, to grant, convey,
 ' devise, or dispose of, by Deed or Will, or other Assurance or
 ' Assurances by which Freehold Estates in Remainder or Rever-
 ' sion were capable by Law of being conveyed or disposed of: And
 ' whereas by an Act passed in the Fifty-fourth Year of the Reign
 ' of His said late Majesty King *George* the Third, intituled *An Act*
 ' *for settling and securing an Annuity on Arthur Duke of Wellington*
 ' *and his Heirs; and for empowering the Lord High Treasurer or*
 ' *Lords Commissioners of the Treasury to advance out of the Con-*
 ' *solidated Fund of Great Britain a Sum of Money in lieu of such*
 ' *Annuity, to purchase an Estate, in order to accompany the said*
 ' *Title, in consideration of the eminent and signal Services per-*
 ' *formed by the said Duke of Wellington to His Majesty and to the*
 ' *Public; and for making further Provision for the Disposal of a*
 ' *Sum of Money granted by an Act of the last Session of Parliament*
 ' *for purchasing an Estate for the said Duke then Marquis of*
 ' *Wellington*, it was amongst other things enacted, that 'One
 ' Annuity or yearly Sum of Thirteen thousand Pounds should be
 ' issued and issuing and paid and payable out of and charged
 ' and chargeable upon the Consolidated Fund of *Great Britain*,
 ' and the same should from Time to Time be paid quarterly, free
 ' and clear of all Taxes and Deductions whatsoever, in Manner
 ' and Form following; (that is to say,) to *Arthur Duke of Wellin-*
 ' *ton*, and to the Heirs Male of the Body of the said Duke to
 ' whom the said Title, Honour, and Dignity of Duke of *Wellin-*
 ' *ton* should descend pursuant to the Limitation of the Patent
 ' whereby the said Dignity was granted, and in default of such
 ' Heirs Male then to and for the Benefit of such Person or Per-
 ' sons and to such Uses as were therein-after mentioned, limited,
 ' and directed, expressed, and declared; and it was by the now-
 ' reciting Act further enacted, that it should be lawful for the Lord
 ' High Treasurer or the Commissioners of the Treasury in *Great*
 ' *Britain* for the Time being, upon Application of the said Duke,
 ' or of the Heirs Male of the Body of the said Duke who might
 ' succeed to the Title of the Duke of *Wellington*, to advance, at
 ' One Time or from Time to Time, to the Trustees for the Time
 ' being for the Purposes of an Act passed in the last Session of
 ' Parliament (being the firstly herein-before recited Act of Parlia-
 ' ment), as amended by another Act passed in the same Session of
 ' Parliament (being the secondly herein-before recited Act), out
 ' of

‘ of the Consolidated Fund of *Great Britain*, in lieu of the said
‘ Annuity of Thirteen thousand Pounds, or any Part thereof, any
‘ Sum or Sums not exceeding in the whole the Sum of Four hun-
‘ dred thousand Pounds, for the Purpose of enabling the said
‘ Trustees, with the Approbation of the said Lord High Treasurer
‘ or Lords Commissioners, to purchase Manors, Lands, Tenements,
‘ and Hereditaments to be settled to the Use of the said Duke, and
‘ the Heirs Male of his Body to whom the Title of Duke of
‘ *Wellington* should descend, and to support the Dignity and the
‘ Dukedom, and in default of such Heirs Male then to and for the
‘ Benefit of such Person or Persons and to such Uses as were
‘ therein-after mentioned, limited, and directed, expressed, and de-
‘ clared; and from the Time when such Sum of Four hundred
‘ thousand Pounds or any Portion thereof might be so advanced,
‘ the whole of the said Annuity, or a Part thereof proportionate
‘ to the Principal Sum so advanced, should cease and determine;
‘ and it was by the now-reciting Act further enacted, that the Trus-
‘ tees for the Time being for the Purposes of the said recited
‘ Acts of the then last Session of Parliament should be Trustees
‘ for the Purposes of the now-reciting Act, and should have all
‘ such Powers and Authorities, and be entitled to all such Rights,
‘ Privileges, and Exemptions, and should be subject to all the same
‘ Provisions and Regulations, in the Execution of the Trust re-
‘ posed in them by the now-reciting Act, as they had and were
‘ entitled to in relation to the Trusts of the said recited Acts;
‘ and that the Sum of One hundred thousand Pounds granted by
‘ the said first-recited Act of the then last Session of Parliament,
‘ or so much thereof as should not have been laid out in the
‘ Purchase of Manors, Lands, Tenements, or Hereditaments, and
‘ also any Manors, Lands, Tenements, and Hereditaments which
‘ might have been or might be purchased by or with the Money
‘ granted under the same Act or any Part thereof, should be liable
‘ and subject to all the Rules, Regulations, and Restrictions in the
‘ now-reciting Act mentioned and contained with respect to the
‘ Money to be advanced under the now-reciting Act, and with
‘ respect to any Manors, Lands, Tenements, or Hereditaments to
‘ be purchased under the now-reciting Act, and as if the said
‘ Sum of One hundred thousand Pounds had been granted by
‘ the now-reciting Act, and as if the said Estates had been pur-
‘ chased under the Provisions of the now-reciting Act; and it is
‘ by the now-reciting Act further enacted, that it should be lawful
‘ for the said Trustees to whom the said Sum of Four hundred
‘ thousand Pounds, or any Part thereof, might be advanced as
‘ aforesaid, and they were thereby required, to lay out and invest
‘ the said Sum of Four hundred thousand Pounds, or any Part
‘ thereof, in the Purchase of Freehold or Copyhold or Customary
‘ Manors, Lands, Tenements, and Hereditaments, of a good Estate
‘ of Inheritance in Fee Simple in Possession, to be free from In-
‘ cumbrances (except Fee Farm and Quit Rents and other Rents
‘ and Services), to be situate in any Part of *Great Britain*; and
‘ the said Freehold Manors, Lands, Tenements, and Heredita-
‘ ments should, when so purchased, be forthwith settled, conveyed,
‘ and assured to the said Trustees, their Heirs and Assigns, to the
‘ Use of the said Duke of *Wellington* and the Heirs Male of the
‘ Body

‘ Body of the said Duke of *Wellington*, and in default and in
 ‘ failure of such Heirs Male then to the said Trustees and their
 ‘ Heirs, to the Use of the said Trustees and their Heirs upon the
 ‘ several Trusts and for the Benefit of the several Persons therein-
 ‘ after limited and directed, mentioned, expressed, and declared ;
 ‘ and it was by the now-reciting Act further enacted, that it should
 ‘ be lawful for the said Duke of *Wellington*, or for any Person upon
 ‘ whom the said Title of Duke should descend, in manner therein
 ‘ mentioned to grant, limit, and appoint any Annuity or yearly
 ‘ Sum not exceeding the Sum of Two thousand five hundred Pounds
 ‘ by way of Jointure or Jointures, free from all Deductions, to be
 ‘ issuing and payable out of the said Annuity of Thirteen thou-
 ‘ sand Pounds thereby granted, or out of the Rents and Profits
 ‘ of the said Manors, Lands, Tenements, and Hereditaments, if
 ‘ the said Sum of Four hundred thousand Pounds should have
 ‘ been advanced and invested as aforesaid, such Jointure or Joint-
 ‘ tures to be payable quarterly, and to be in addition to any
 ‘ Jointure or Jointures chargeable under the Provisions of the said
 ‘ first-recited Act of the then last Session of Parliament on Manors,
 ‘ Lands, Tenements, and Hereditaments purchased or to be pur-
 ‘ chased by or with the Money granted by the said recited Act, or
 ‘ any Part thereof; and it was by the now-reciting Act further
 ‘ enacted, that the said Annuity of Thirteen thousand Pounds, and
 ‘ the said Manors, Lands, Tenements, and Hereditaments to be
 ‘ purchased under the Authority of the now-reciting Act, should
 ‘ not at one and the same Time be together subject to the Pay-
 ‘ ment of more than the yearly Sum of Three thousand Pounds
 ‘ for or in respect of any Jointure or Jointures which should be
 ‘ made in pursuance of the Powers therein-before contained, in
 ‘ addition to the yearly Sum of Three thousand Pounds chargeable
 ‘ by the said first-recited Act of the then last Session of Parlia-
 ‘ ment; and it was by the now-reciting Act further enacted, that
 ‘ upon Failure of Heirs Male of the Body of the said *Arthur* Duke
 ‘ of *Wellington* to whom the said Title, Honour, and Dignity of
 ‘ Duke of *Wellington* might descend as aforesaid, then and in such
 ‘ Case, as to the said Annuity, yearly Rent, or Sum of Thirteen
 ‘ thousand Pounds, or so much thereof as should then remain pay-
 ‘ able, and as to the said Sum of Four hundred thousand Pounds,
 ‘ or so much thereof as should not have been advanced as aforesaid,
 ‘ and as to the said Sum of One hundred thousand Pounds granted
 ‘ by the said firstly herein-before recited Act, or so much thereof
 ‘ as should not have been paid according to the said Act, and as
 ‘ to the Securities upon which the said Sums of Money should be
 ‘ invested pursuant to the Powers contained in the said Acts, and
 ‘ also as to all and every the Manors, Lands, Tenements, and Here-
 ‘ ditaments so to be purchased with the said Sum of Four hundred
 ‘ thousand Pounds, or any Part thereof, as aforesaid, under the
 ‘ now-reciting Act, or which might have been or might be pur-
 ‘ chased with the said Sum of One hundred thousand Pounds, or
 ‘ any Part thereof, granted by the firstly herein-before recited
 ‘ Act of Parliament, the Trustees for the Time being under the
 ‘ now-reciting Act were to convey or stand seised and possessed
 ‘ of and interested in the same and every Part thereof to the
 ‘ Uses, upon the Trusts, and in manner therein mentioned, for the
 ‘ Benefit

Benefit of such Daughter or Daughters or other Descendants of the said *Arthur Duke of Wellington* as therein mentioned; and that upon Failure of Heirs of the Body of the said *Arthur Duke of Wellington* the said Premises respectively should go and remain to the Use of the said *Arthur Duke of Wellington* and his Heirs and Assigns for ever; which ultimate Remainder or Reversion in Fee Simple it should be lawful for the said Duke of *Wellington* and his Heirs and Assigns, at any Time or Times during the Continuance of the said Honour, Title, and Dignity of Duke of *Wellington*, and until there should be a Failure of Issue of the Body of the said *Arthur Duke of Wellington* as aforesaid, to grant, convey, devise, and dispose of, by Deed or Will, or by any other Assurance or Assurances by which Freehold Estates in Remainder or Reversion are capable by Law of being conveyed or disposed of, any thing in the now-reciting Act contained to the contrary in anywise notwithstanding: And whereas by an Act passed in the Fifty-fifth Year of His said late Majesty King *George the Third*, intituled *An Act for granting an additional Sum of Money for providing a suitable Residence and Estate for the Duke of Wellington and his Heirs, in consideration of the eminent and signal Services performed by the said Duke of His Majesty and the Public*, it was amongst other things enacted, that out of all or any of the Aids or Supplies granted to His Majesty for the Service of the Year One thousand eight hundred and fifteen there should and might be issued any Sum or Sums of Money not exceeding the Sum of Two hundred thousand Pounds of lawful Money of *Great Britain*, free and clear of all Taxes and Deductions whatsoever, to the Trustees under the said recited Acts, for the better enabling the said Trustees to build or provide or purchase a suitable Residence and Estate for the said Duke of *Wellington* and his Heirs; and it is further enacted, that the Trustees for the Time being for the Purposes of the said recited Acts should be Trustees for the Purposes of the now-reciting Act, and should have all such Powers and Authorities, and be entitled to all such Rights, Privileges, and Exemptions, and should be subject to all the same Provisions and Regulations in the Execution of the Trusts reposed in them by the now-reciting Act, as they had and were entitled to in relation to the Trusts of the herein-before recited Acts; and it was by the now-reciting Act further enacted, that all the Powers, Authorities, Provisions, Regulations, and Clauses in the said recited Acts contained, for enabling the said Trustees therein mentioned to build or repair or alter any Mansion House upon any Lands to be purchased under the said recited Acts and the now-reciting Act, and for the providing a suitable Residence and Estate for the said Duke of *Wellington* and his Heirs, should extend to the now-reciting Act, and to the applying the Sum of Two hundred thousand Pounds granted by the now-reciting Act for or towards the providing a suitable Residence and Estate for the said Duke of *Wellington* and his Heirs, and laying out the said Sum of Two hundred thousand Pounds, or any Part thereof, for that Purpose, as fully and effectually to all Intents and Purposes as if the same were severally and separately repeated and re-enacted in the now-reciting Act: And whereas another Act

55 G. 3. c. 186.

was

59 G. 3. c. 21. ' was passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend several Acts for purchasing an Estate for the Duke of Wellington*: And

59 G. 3. c. 63. ' whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to explain an Act passed in the Fifty-ninth Year of His present Majesty, for purchasing an Estate for the Duke of Wellington*: And whereas the said several Sums of One hundred thousand Pounds, Four hundred thousand Pounds, and Two hundred thousand Pounds, so granted or authorized to be granted by the said recited Acts as aforesaid, were received by the Trustees of the same Acts, and great Part thereof hath been laid out and invested in the Purchase of Real Estates, which have been settled pursuant to the Directions of the said Acts: And whereas the said *Arthur Duke of Wellington* is desirous, that, in addition to the Powers of jointuring given by the said Acts to the Duke of *Wellington* for the Time being, a Power should be given to the Duke of *Wellington* for the Time being to charge the Estates already purchased, and hereafter to be purchased under the Powers in the said Acts, with a Jointure not exceeding the Amount herein-after mentioned, for any Wife or intended Wife of the Heir Apparent for the Time being of the Duke of *Wellington* for the Time being; but that the whole Amount of Jointures to be limited under the Powers of the said recited Acts and of this Act should be limited as herein-after mentioned: And whereas Services of Plate and China, Jewels, Pictures, Statues, and other valuable Articles, have been presented to the said *Arthur Duke of Wellington* by Sovereigns and States in alliance with Their late Majesties King *George* the Third and King *George* the Fourth, and to whom and to the People and Countries under whose Government the said *Arthur Duke of Wellington* rendered Services, and by Corporations and Associations, or have been otherwise acquired, and are intended to be assigned by the said Duke to the Trustees of the herein-before recited Acts and of this Act; and the said *Arthur Duke of Wellington* is desirous that the said Services of Plate and China, and Jewels, Pictures, Statues, and other Articles, should go and be enjoyed as Heirlooms with the Real Estates so purchased and to be purchased as aforesaid, so long as there shall be any Issue of the Body of the said *Arthur Duke of Wellington*, and that the same shall for that Purpose be vested in the Trustees of the said recited Acts and of this Act: But inasmuch as the Wishes of the said *Arthur Duke of Wellington* cannot be carried into effect without the Aid and Authority of Parliament, be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said *Arthur Duke of Wellington*, and the Duke of *Wellington* for the Time being, either before or after the Marriage of any Heir Apparent for the Time being of the Duke of *Wellington* for the Time being, by any Deed or Deeds to be by him duly executed, but subject and without Prejudice to any subsisting Jointure or Jointures, to grant, limit, and appoint unto such Woman or Women whom such Heir

The Duke of Wellington to have Power to jointure the Wife of an Heir Apparent.

Heir Apparent for the Time being may marry any Annuity or yearly Sum, Annuities or yearly Sums, for her or their Life or Lives, and for her or their Jointure or Jointures, and in bar of Dower, not exceeding in the whole the annual Sum of Two thousand five hundred Pounds for any one Woman, and to be issuing and payable out of all or any of the Manors and other Hereditaments already purchased or hereafter to be purchased under the Powers and Authorities of the said recited Acts, with Powers of Distress and Entry for recovering and enforcing Payment thereof when in arrear; such Jointure or Jointures to be made payable half-yearly or quarterly, as to the Duke of *Wellington* for the Time being granting the same shall seem fit, and to take effect whether such Heir Apparent shall or shall not in the Lifetime of such Wife succeed to the said Dukedom, and to take effect wholly in the Lifetime of the Duke of *Wellington* granting the same in the event of such Heir Apparent dying in his Lifetime, or partly in the Lifetime of the said Duke granting the same, and partly after his Decease: Provided nevertheless, that such Heir Apparent, in case he shall succeed to the Title and Dignity of Duke of *Wellington*, may, notwithstanding the Grant made of any Jointure as aforesaid by the Duke of *Wellington* for the Time being to or in favour of any Wife of such Heir Apparent, which shall not amount to the full annual Sum of Two thousand five hundred Pounds, exercise the Power of jointuring to the full Extent of Two thousand five hundred Pounds herein-before allowed, after deducting or allowing for the Amount of any such Jointure so charged by the Duke of *Wellington* for the Time being in favour of any Wife of such Heir Apparent in whose Favour any such additional Jointure shall be granted.

II. Provided always, and be it enacted, That the Manors and other Hereditaments purchased and to be purchased as aforesaid shall not at one and the same Time be together subject to the Payment of more than the yearly Sum of Two thousand five hundred Pounds in favour of any one Woman, whether the Widow of the Duke of *Wellington* for the Time being, or of the Heir Apparent for the Time being of the Duke of *Wellington*; and that the said Manors and other Hereditaments shall not at any one Time, under or by virtue of the Powers contained in the said recited Acts or in this present Act, be subject to the Payment of any greater annual Sum in the whole for Jointures than the annual Sum of Four thousand Pounds, any thing in the said recited Acts contained to the contrary notwithstanding.

III. And be it enacted, That all and singular the Services of Plate and China, Jewels, Pictures, Statues, and other valuable Articles which shall, by any Deed or Deeds to be executed by the said *Arthur* Duke of *Wellington*, be assigned by him to the Trustees of the said recited Acts and of this Act, within the Space of Two Years after the passing of this Act, shall from and immediately after the Execution of such Assignment or Assignments respectively by the said Duke to the Trustees of the herein-before recited Acts, who are hereby declared to be Trustees for the Purposes of this Act, be vested in and held by the Trustees of the said recited Acts and of this Act, upon Trust, so long as the said Title, Honour, and Dignity of Duke of *Wellington* shall endure, and until there

The Estates not to be subject to more than 2,500*l.* in favour of any one Woman at the same Time.

The Services of Plate, China, &c. which may be vested in the Trustees, to go as Heirlooms with the Title.

shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, to permit the same to go and be held and enjoyed with the Mansion House and Mansion Houses and Estates purchased or to be purchased under or by virtue of the Powers of the said recited Acts by the Persons who for the Time being shall be actually entitled to such Mansion Houses and Estates respectively under the Limitations directed by the said recited Acts; and so long as the said Title, Honour, and Dignity of Duke of *Wellington* shall endure, and until there shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, neither the said *Arthur Duke of Wellington*, nor any Person to whom the said Mansion Houses and other Hereditaments purchased and to be purchased as aforesaid shall or may descend or stand limited by virtue of the Limitations directed by the said recited Acts, shall have any Power whatsoever to alienate, charge, or dispose of the said Services of Plate and China, Jewels, Pictures, Statues, and other Articles, or any of them, or any Part thereof.

In default of Heirs of the Duke of Wellington the Services, &c. to go to his Executors, &c.

IV. And be it enacted, That on Failure of Heirs of the Body of the said *Arthur Duke of Wellington* the said Services of Plate and China, Jewels, Pictures, Statues, and other Articles, shall go and remain to and be held in Trust for the said *Arthur Duke of Wellington*, his Executors, Administrators, and Assigns; and it shall be lawful for the said *Arthur Duke of Wellington*, his Executors, Administrators, and Assigns, at any Time during the Continuance of the said Honour, Title, or Dignity of Duke of *Wellington*, and until there shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, and notwithstanding any thing hereinbefore contained, to grant, bequeath, or dispose of, by Deed or Will, the ultimate Remainder or Reversion of the said Premises.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. V.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[19th April 1839.]

[*Number of Forces, 89,351. This Act is the same, except as to Dates and the Parts here inserted, as 1 & 2 Vict. c. 17., and except that the 44th Section in that Act is omitted in this Act.*]

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda, the Bahamas, Saint Helena, Africa, and the Australian Colonies* excepted,) or in the Settlements of the *East India Company*, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena, Africa, and the Australian Colonies*, shall consist of not less than Seven, and in *Saint Helena, Africa, and the Australian Colonies* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the

Degree

Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australias* Colonies, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

District or Garrison Courts-martial.

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit,

shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, to permit the same to go and be held and enjoyed with the Mansion House and Mansion Houses and Estates purchased or to be purchased under or by virtue of the Powers of the said recited Acts by the Persons who for the Time being shall be actually entitled to such Mansion Houses and Estates respectively under the Limitations directed by the said recited Acts; and so long as the said Title, Honour, and Dignity of Duke of *Wellington* shall endure, and until there shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, neither the said *Arthur Duke of Wellington*, nor any Person to whom the said Mansion Houses and other Hereditaments purchased and to be purchased as aforesaid shall or may descend or stand limited by virtue of the Limitations directed by the said recited Acts, shall have any Power whatsoever to alienate, charge, or dispose of the said Services of Plate and China, Jewels, Pictures, Statues, and other Articles, or any of them, or any Part thereof.

In default of Heirs of the Duke of *Wellington* the Services, &c. to go to his Executors, &c.

IV. And be it enacted, That on Failure of Heirs of the Body of the said *Arthur Duke of Wellington* the said Services of Plate and China, Jewels, Pictures, Statues, and other Articles, shall go and remain to and be held in Trust for the said *Arthur Duke of Wellington*, his Executors, Administrators, and Assigns; and it shall be lawful for the said *Arthur Duke of Wellington*, his Executors, Administrators, and Assigns, at any Time during the Continuance of the said Honour, Title, or Dignity of Duke of *Wellington*, and until there shall be a Failure of Issue of the Body of the said *Arthur Duke of Wellington*, and notwithstanding any thing hereinbefore contained, to grant, bequeath, or dispose of, by Deed or Will, the ultimate Remainder or Reversion of the said Premises.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. V.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

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Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies* excepted,) or in the Settlements of the *East India Company*, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, and the *Australian Colonies*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian Colonies* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the

Degree

Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

District or Garrison Courts-martial.

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Public Money entrusted to him:

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit,

sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Marking a
Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

One Pentagon
in the Peniten-
tiary at Mill-
bank to be ap-
propriated as a
Prison for Mil-
itary Offenders.

XXVIII. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Soldier convicted by a Court-martial may be sent by Order of any Commanding Officer of a District, Garrison, Regiment, or Corps to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Powers and
Duties of the
Person to be ap-
pointed Super-
intendent of
said Pentagon.

XXIX. And be it enacted, That the Person who shall for the Time be entrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Soldiers confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers, thereof,
and

and to the Soldiers confined therein : Provided always, that nothing herein contained shall prevent any Soldier confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

LVII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage in their Marches, in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which List shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

LVIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in

Supply of Carriages.

Rates to be paid for Carriages, and Mode of proceeding.

Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter -

Whether the Prisoner confessed before the Magistrate that he is a Deserter - - -

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he* a Deserter from the above-mentioned Corps.

Signature and
Address of Magistrate.

Signature of
Prisoner.

Signature of
Informant.

* Insert "is" or "is not," as the Case may be.

I certify that I have inspected the Prisoner, and consider him* for Military Service.

Signature
of Military Medical
Officer, or of Private
Medical Practitioner.

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

C A P. VI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-nine. [19th April 1839.]

C A P. VII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [19th April 1839.]

[This Act is the same, except as to Dates and the Sections here inserted, as 1 & 2 Vict. c. 18.]

Composition
of General
Courts-martial.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda, the Bahamas, Saint Helena, Africa, and the Australian Colonies* excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena, Africa, and the Australian Colonies*), shall have not less than Seven, and in *Saint Helena, Africa, and the Australian Colonies* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except

except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers ; and that it shall be lawful for such Court, whether assembled under the Authority of this Act or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for any such Offence ; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year ; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on account of Services, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with intent to render himself or such other Marine unfit for the Service ; in tampering with his Eyes ; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure ; in purloining or selling Government Stores ; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess ; in producing false or fraudulent Accounts or Returns ; in embezzling or fraudulently misapplying Public Money intrusted to him ; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature ; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct ; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service ; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct ; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment ; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony ; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial : Provided always, that such District or Garrison

son Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Marking a
Deserter.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

One Pentagon
in the Peni-
tentiary at Mill-
bank to be ap-
propriated as a
Prison for Ma-
rine Offenders.

XXI. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Marine convicted by a Court-martial may be sent by Order of the Commissioners for executing the Office of Lord High Admiral to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Powers and
Duties of the
Person to be ap-
pointed Super-
intendent of
said Pentagon.

XXII. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Marines confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Marines confined therein: Provided always, that nothing herein contained shall prevent any Marine confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Appeal.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be

be liable to be tried a Second Time for the same Offence except in the Case of an Appeal from a Divisional to a General Court-martial against a Conviction; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Revision of Sentence.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall be liable to be punished as a Rogue and Vagabond, by summary Conviction before any Justice of the Peace, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with as a Deserter.

Fraudulent Confession of Desertion.

L. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for

Supply of Carriages.

the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid.) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all reasonable Hours be open to the Inspection of the said Persons,) and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Fourpence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional

additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

LV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or which are generally deemed Regimental

Penalty for
purchasing
Clothes, &c.
from any Ma-
rine.

Necessaries,

Necessaries; according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Recovery of Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

LXII. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in that Part of the United Kingdom in or near to which the Offence shall be committed; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and by another Act passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*; provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles* or in any of Her Majesty's Dominions beyond the Seas may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered

in

in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

C A P. VIII.

An Act for raising the Sum of Thirteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-nine. [14th May 1839.]

C A P. IX.

An Act for repealing Part of an Act of the last Session of Parliament, intituled *An Act for suspending until the First Day of August One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories.* (a) [14th May 1839.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for suspending until the First Day of August One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, it was, amongst other things, enacted as follows; that is to say, that every Bishop to whom any Portion of another Diocese shall have been transferred by any Order in Council under the Provisions of the last-recited Act passed in the Session held in the Sixth and Seventh Years of the Reign of His late Majesty, thereby meaning an Act intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, shall, during the Visitation of such Portion of his Diocese so transferred, be assisted by his own Chancellor or Commissary, and attended by his own Registrar; and that during any such Visitation the Chancellor or Commissary aforesaid shall in the Name of such Bishop and in conformity with the Usages observed in such Diocese, inhibit all inferior and concurrent Jurisdictions, receive Presentments, admit Churchwardens to their Office, issue Marriage Licences, grant Probates of Wills and Letters of Administration to the Effects of Intestates, and exercise in every respect the same Jurisdiction which the Chancellor or Commissary of any preceding Bishop has exercised in such Portion of his Diocese so transferred, pending the Visitation of the Diocesan, and the Duration of any Inhibition which may have issued in consequence of such Visitation, any thing in the last-recited Act to the contrary notwithstanding; and that all Acts which have been or shall be done by any Chancellor or Commissary so assisting such Bishop as aforesaid shall be taken to be good and valid in Law to all Intents and Purposes whatsoever: And whereas great Inconvenience is likely to arise from the Provisions aforesaid, and it is advisable that the same should be repealed: Be

(a) [See Chap. 14. post.]

it

Certain Part of
recited Act, re-
lating to Bishops
Visitations, re-
pealed.

it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as is herein recited shall be and the same is hereby repealed, save and except as to any Matter or Thing which shall have been done by any Bishop, Chancellor, Commissary, or Registrar, under the Provisions of the said first-recited Act, before the passing of this Act.

C A P. X.

An Act for enabling the Trustees of the *British Museum* to purchase certain Houses and Ground, for the Enlargement of the Museum, and making a suitable Access thereto.

[4th June 1839.]

36 G. 2. c. 22.

WHEREAS by an Act of Parliament made and passed in the Twenty-sixth Year of the Reign of His Majesty King George the Second, intituled *An Act for the Purchase of the Museum or Collection of Sir Hans Sloane and of the Harleian Collection of Manuscripts, and for providing One general Repository for the better Reception and more convenient Use of the said Collections and of the Cottonian Library, and of the Additions thereto*, it was enacted (amongst other things) that certain Officers for the Time being and Persons therein described or mentioned, and certain other Persons to be appointed under the Powers therein contained, should be Trustees for putting the said Act in execution; and it was also enacted, that within the Cities of *London* or *Westminster*, or the Suburbs thereof, One general Repository should be erected or provided for the Reception of the said Museum, and of the other Collections and the Libraries therein mentioned, and of such other Collections and Libraries as, with such Approbation as therein mentioned, should be admitted into the said general Repository, which several Collections, Additions, and Library so received into the said general Repository should remain and be preserved therein for public Use to all Posterity; and it was further enacted, that for the better Execution of the Purposes of the said Act the said Trustees thereby appointed should be a Body Politic and Corporate, in Deed and Name, and have Succession for ever, by the Name of "*The Trustees of the British Museum*," and by that Name should sue and be sued, implead and be impleaded, and should have Power to have and use a Common Seal, and to make Bye Laws, and to hold Lands and Hereditaments of such yearly Value as therein mentioned, and to do all such other Acts and Things as in the said Act are mentioned: And whereas under the Provisions of an Act of Parliament made and passed in the Twenty-eighth Year of the Reign of His said Majesty King George the Second, intituled *An Act for vesting Montague House in Trustees and their Heirs freed and discharged from all the Estates, Uses, and Agreements to which it at present stands limited and appointed, upon Trust to convey the same to the Trustees of the British Museum for a general Repository, and upon such other Trusts as therein are mentioned*, the Capital Messuage or Man-

28 G. 2. c. 3.

sion House theretofore called *Montague House*, situate in *Great Russell Street* in the Parish of *Saint George Bloomsbury* in the County of *Middlesex*, and the Outhouses, Buildings, and Gardens then belonging to the same, were duly conveyed and assured (subject to a yearly Rent or Sum of Five Pounds issuing thereout) unto and to the Use of the Trustees of the *British Museum*, their Successors and Assigns, by Indentures of Lease and Release bearing Date respectively the Fourth and Fifth Days of *April* One thousand seven hundred and fifty-five, and made between the Right Honourable *George Dunk* Earl of *Halifax* and *William Folkes* Esquire (Trustees under the last-mentioned Act for carrying the Trusts thereof into execution) of the one Part, and the Trustees of the *British Museum* of the other Part, and since that Time the said Capital Messuage or Mansion House and Premises have been generally called or known by the Name of "The *British Museum*:" And whereas by an Act of Parliament made and passed in the Fifth Year of His Majesty King *George* the Fourth, intituled *An Act for amending former Acts relative to the British Museum*, it was enacted (amongst other things) that the Trustees of the *British Museum* should for the Purpose of the several Acts relating to the same, and for the Enlargement, Improvement, and better Endowment of the said Museum, and for any Purposes connected with the said Museum, have full Power, Capacity, and Ability to purchase, take, hold, and enjoy any Lands, Tenements, Hereditaments, and to accept any Gifts, Grants, Devises, and Bequests of Lands, Tenements, and Hereditaments, and of any Interest therein, and of any Money issuing out of or charged upon or to arise from the Sale of Lands, Tenements, and Hereditaments, of and to any Value and Amount whatever, the Statutes of Mortmain or any other Statute or Law to the contrary thereof in anywise notwithstanding: And whereas the Buildings of the *British Museum* being insufficient for the proper Reception and Exhibition of the various and increased Collections belonging thereto, a general Design for a suitable Edifice was in the Year One thousand eight hundred and twenty-three, with the Approbation of the Lords Commissioners of His Majesty's Treasury, adopted by the Trustees of the *British Museum*, and in conformity thereto, and with Grants of Money which have from Time to Time been made by Authority of Parliament, the Works of the said Edifice have been carried on, and are now in a State of considerable Progress: And whereas, in order to complete the said general Design, and to make a suitable Front and Access to the said *British Museum*, it is expedient that the Trustees of the *British Museum* should be empowered to purchase and take the several Messuages, Buildings, Pieces or Parcels of Land, and Hereditaments, abutting on *Great Russell Street* aforesaid and on *Montague Street* in the said Parish of *Saint George Bloomsbury*, which are specified in the Schedule annexed to this Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the Construction of this Act every

5 G. 4. c. 39.

Meaning of certain Words in this Act.

Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Trustees empowered to purchase the Houses and Hereditaments required.

II. And be it further enacted, That it shall be lawful for the Trustees of the *British Museum* to contract for, purchase, and take, upon the Terms and Conditions and subject to the Provisions herein-after contained, the several Messuages, Buildings, Pieces or Parcels of Land, and Hereditaments specified in the Schedule to this Act annexed, with their Appurtenances, and all subsisting Leases, Terms, Estates, Rights, and Interests whatsoever therein respectively.

Errata in the Schedule not to prevent the Purchase of Premises.

III. Provided always, and be it further enacted, That it shall be lawful for the Trustees of the *British Museum* to contract for, purchase, and take the said Messuages and other Hereditaments mentioned in the said Schedule to this Act annexed, notwithstanding the particular Description of such Messuages and other Hereditaments, or any of them, or the Names of the Owners or Occupiers thereof respectively, may happen through Inadvertence to be mis-stated, omitted, or improperly mentioned or spelt in the said Schedule.

Corporations under Disability and others empowered to sell and convey.

IV. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for charitable or other Purposes, Committees, Executors, Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives entitled to Dower or Jointure or other Provision, and for and on behalf of their Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could themselves have done by Law under the Powers of this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuisque Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in any Messuages or other Hereditaments hereby authorized to be purchased as aforesaid, to contract for, sell, and convey the same or any Part thereof unto the Trustees of the *British Museum*; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the Trustees of the *British Museum*; and all such Conveyances may be made, unless where the Trustees of the *British Museum* may be advised that the same is not applicable to

such Apportionment the Tenant or Lessee of the Hereditaments comprised in such Lease or Agreement for Lease shall as to all future accruing Rent be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Hereditaments not required for the Purposes of this Act; and the Lessor of the said Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Hereditaments not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Hereditaments, but not otherwise, continue in full Force and Operation.

Power to purchase the Release of Hereditaments from Rents charged thereon.

VI. And be it further enacted, That in all Cases where any of the said Messuages or other Hereditaments purchased or intended to be purchased by the Trustees of the *British Museum* shall be subject to or charged with any Rent, Payment, or Incumbrance, (either solely, or jointly with any Hereditaments purchased or not intended to be purchased,) it shall be lawful for the Trustees of the *British Museum* to agree for the Release of the Hereditaments so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (when necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance, for such Consideration in Money as shall be agreed on between the Trustees of the *British Museum* and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and Persons by this Act authorized and empowered to sell or convey Hereditaments; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Hereditaments is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Hereditaments purchased or intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance according to the respective Value of the Hereditaments purchased or intended to be purchased, and of the Hereditaments not intended to be purchased, out of or from which such Rent, Payment, or Incumbrance shall be jointly issuing; and all Contracts, Conveyances, and Assurances which shall be made by and between the Trustees of the *British Museum* and by any such Party as aforesaid respecting such Release (and which may be of the like Form, *mutatis mutandis*, as by this Act is directed or authorized to be used in the Case of Conveyances of Hereditaments) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when the said Hereditaments so purchased

chased or intended to be purchased shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Hereditaments not purchased by the Trustees of the *British Museum*, such last-mentioned Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Hereditaments not so purchased had been originally charged with the reduced Amount of such Rent, Payment, or other Incumbrance only: Provided also, that when a Part only of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the Trustees of the *British Museum*, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum endorsed on such Deed or Instrument, declaring what Part of the Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

VII. And be it further enacted, That all Persons and Corporations having any Mortgage on any of the Messuages and other Hereditaments hereby authorized to be purchased (and whether entitled thereto in their own Right or in Trust for any other Person or Corporation, and whether in possession of such Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Hereditaments solely, or jointly with any other Lands which shall not be so purchased,) shall, on Tender of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the Trustees of the *British Museum*, or by such Person as they may appoint, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Hereditaments which shall be so purchased to the Trustees of the *British Museum*, in such Manner as they shall appoint, and which Conveyance, Assignment, or Transfer may be of the like Form as the Conveyances by this Act directed or authorized to be used in Cases of Conveyance of Hereditaments, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the Trustees of the *British Museum* that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Hereditaments which shall be so purchased to the said Trustees, or as they shall direct, and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such Tender or Payment, then all Interest

Mortgagees to convey.

on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case such Mortgagee shall neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as by this Act directed in Cases of other Payments into the said Bank; and thereupon, or by such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or for whom he shall be Trustee, shall vest in the Trustees of the *British Museum*, who shall be deemed to be in the actual legal and equitable Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Trustees of the British Museum and certain Mortgagees shall be settled.

VIII. And be it further enacted, That in all Cases in which any Messuages or other Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Hereditaments shall be of less Value than the Principal Money, Interest, and Costs secured thereon, or in which a Part only of any Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Hereditaments, or, as the Case may be, of such Part of the said Hereditaments as shall be so required for the Purposes aforesaid, shall be settled and agreed upon by and between such Mortgagee, whether entitled to such Mortgage absolutely or in Trust for any other Person or Corporation, and the Person or Corporation entitled to the Equity of Redemption of such Hereditaments, whether absolutely or for such Estate as might capacitate him or them to convey for the Purposes of this Act, on the one Part, and the Trustees of the *British Museum* on the other Part; and in case of any Difference between them then such Value shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value, being settled or agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Hereditaments the Value whereof shall have been so agreed upon or determined as aforesaid; or in case of his neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee, or into the Bank as last aforesaid,

shall

shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of the mortgaged Premises, or such Part thereof as shall be so taken or used, from all Principal and Interest and other Money due or secured thereon, and thereupon such Hereditaments shall become absolutely vested in the Trustees of the *British Museum*, who shall be deemed to be in the actual legal and equitable Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Hereditaments not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of any Hereditaments subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Hereditaments so taken shall, on the Assignment thereof to the said Trustees of the *British Museum*, have been paid to the Mortgagee thereof in part Satisfaction of the Mortgage Debt, a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the Trustees of the *British Museum*, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the Trustees of the *British Museum*, at their Expence, to the Person so entitled as aforesaid to the Equity of Redemption of the Hereditaments comprised in such Mortgage Deed.

IX. And be it further enacted, That in all Cases where any Messages or other Hereditaments purchased or intended to be purchased by the Trustees of the *British Museum* are or shall be subject, jointly with other Hereditaments not intended to be purchased, to or with any Rent, Payment, Mortgage, or Incumbrance whatsoever, and the Party entitled to such Rent, Payment, Mortgage, or Incumbrance, or by this Act capacitated to sell, release, or apportion the same, or to release the Hereditaments so purchased therefrom, shall consider the remaining Part of the Hereditaments so jointly subject a sufficient Security for such Rent, Payment, Mortgage, or Incumbrance, and shall therefore be willing to release the Hereditaments so purchased by the Trustees of the *British Museum* therefrom, then and in any such Case it shall be lawful for the Party entitled to or by this Act capacitated to sell, release, or apportion such Rent, Payment, Mortgage, or Incumbrance, or to release the Hereditaments so purchased or intended to be purchased therefrom, with the Consent of the Owner of the Hereditaments so purchased or intended to be purchased, and also of the Owner of the remaining Hereditaments so jointly subject as aforesaid, (and which Owner is hereby declared to include and extend to all Corporations and Persons by this Act authorized and empowered to sell and convey Hereditaments,) to release the Hereditaments so purchased or intended to be purchased as aforesaid from the Rent, Payment, Mortgage, or Incumbrance so

Hereditaments subject to Incumbrances may be released on certain Conditions.

affecting the same as aforesaid jointly with other Hereditaments, on condition or in consideration of such other Hereditaments continuing or remaining only and exclusively subject to the whole of such Rent, Payment, Mortgage, or Incumbrance; and when any Hereditaments purchased by the Trustees of the *British Museum* shall be so released as last aforesaid, the remaining or other Hereditaments not intended to be purchased, and being so jointly subject as aforesaid, shall thenceforth be and remain only and exclusively charged with and subject to the whole of such Rent, Payment, Mortgage, or Incumbrance; and all Remedies for the Recovery thereof against such remaining or other Hereditaments, and the Owners or Occupiers thereof respectively, shall not be prejudiced by reason of such Release as aforesaid, but shall at all Times thereafter remain as effectual as if such remaining or other Hereditaments had been originally exclusively charged with the full Amount of such Rent, Payment, Mortgage, or Incumbrance: Provided always, that when any Hereditaments so purchased as aforesaid shall be released as aforesaid it shall be lawful for the Trustees of the *British Museum*, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, Mortgage, or Incumbrance, to affix their Common Seal to a Memorandum endorsed on such Deed or Instrument, declaring what Part of the Hereditaments originally subject to such Rent, Payment, Mortgage, or Incumbrance shall have been purchased and released as aforesaid by virtue of this Act, and also declaring that the remaining or other Hereditaments so before jointly subject as aforesaid are thenceforth to remain and be only and exclusively charged with and subject to the full Amount of the said Rent, Payment, Mortgage, or Incumbrance; and such Memorandum shall be Evidence in all Courts of the Fact therein stated, but shall not exclude any other Evidence of the same Facts.

Corporations and Persons capacitated to sell may agree for the Value of the Hereditaments sold.

X. And be it further enacted, That all Persons and Corporations by this Act capacitated to sell and convey any of the said Messuages or other Hereditaments hereby authorized to be purchased, or to release the said Messuages or other Hereditaments from Rents and other Incumbrances charged thereon, or to sell and convey any other Rights or Interests in any of the same Messuages or other Hereditaments, may agree to accept and receive, and may (subject to such Restrictions as are in this Act contained as to the Payment thereof) accept and receive, Satisfaction or Recompence for the Value of such Messuages or other Hereditaments, or of the Interest therein, to be by them conveyed or released, in such gross Sums as shall be agreed upon between the said Persons or Corporations and the Trustees of the *British Museum*; and in case the said Trustees and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money the same shall be ascertained and settled, if required, by the Verdict of a Jury, as herein-after is directed.

In case the Parties refuse or are incapable to treat, the Amount of Value to be settled by a Jurv.

XI. And for settling all Differences which may arise between the Trustees of the *British Museum* and the several Owners and Occupiers of or Persons or Corporations interested in any of the said Messuages or other Hereditaments hereby authorized to be purchased as aforesaid, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled, and capacitated

citated to sell, agree, convey, or release as aforesaid, shall not agree with the Trustees of the *British Museum* as to the Amount of such Purchase Money, Satisfaction, or Recompence as aforesaid; or if any of such Parties shall refuse to accept such Purchase Money, Satisfaction, or Recompence as aforesaid as shall be offered by the Trustees of the *British Museum*, and shall give Notice thereof in Writing to the Trustees by leaving the same at the *British Museum* within Thirty Days next after such Offer shall have been made, and the giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury; or if any of such Parties as aforesaid shall, for the Space of One Calendar Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or at the Office or Place of Business of such Corporation, or to any such Trustee or Person respectively, or left at his usual or last known Place of Abode, or in case such Corporation, Trustee, or Person cannot be found, or their last or usual Place of Abode is not known, with the Tenant or Occupier of any Messuages or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the Trustees of the *British Museum* for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey or release therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the Trustees of the *British Museum* to take such Messuages or other Hereditaments, or shall not disclose or prove the State of the Title to the Premises of which they respectively may be in the Possession, or of the Share, Interest, or Charge therein or thereupon which they may claim to be entitled unto or interested in, in case they shall be required so to do by the Trustees of the *British Museum*; or in any other Case where Agreement for the Purchase of any Messuages or other Hereditaments hereby authorized to be purchased cannot be made; then and in every such Case the Trustees of the *British Museum* shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County of *Middlesex*, or in case such Sheriff or his Under Sheriff shall be in any way interested in the Matter in question, then to any of the Coroners of the said County, not interested as aforesaid, commanding such Sheriff, Under Sheriff, or Coroner to impanel, summon, and return, and the said Sheriff, Under Sheriff, or Coroner is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*; and the Persons to be so impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons to be so impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff,

Sheriff, or Coroner, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, or Coroner shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy, and such Jury shall, upon their Oaths, (or, being Quakers or Separatists, upon their Affirmation,) which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer, inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Messuages or other Hereditaments (except for such Interest therein as shall have been of right purchased by the Trustees of the *British Museum* from any other Person or Corporation); and the said Sheriff, Under Sheriff, or Coroner shall accordingly give Judgment for such Purchase Money as shall be assessed by such Jury: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are required to be returned shall be given by or on behalf of the Trustees of the *British Museum* to the Party with whom any such Controversy shall arise, by delivering such Notice to such Party or by leaving the same at his usual or last known Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation, or at the Office or Place of Business of such Corporation, in case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued or respecting which any such Question shall arise.

Purchase
Money to be
apportioned.

XII. And be it enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required by either Party, to settle what Shares and Proportions of the Purchase Money which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, by way of Lease or otherwise, for his Interest therein.

Verdicts to be
recorded by the
Clerk of the
Peace.

XIII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, or Coroner presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be deposited with and kept by the Clerk of the Peace for the said County of *Middlesex* among the Records of the Quarter Sessions of such County or Place, and shall

shall be deemed Records to all Intents and Purposes; and the same, or true Copies thereof, or Extracts therefrom, certified to be true Copies or Extracts by the said Clerk of the Peace, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same Verdicts and Judgments, paying to such Clerk of the Peace for every such Inspection the Sum of One Shilling, and shall be entitled to be furnished with Copies thereof or Extracts therefrom, paying for every such Copy or Extract to the said Clerk of the Peace furnishing the same after the Rate of Sixpence for every One hundred Words.

XIV. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner hereby authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Party who may be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker or Separatist to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker or Separatist to make Affirmation or give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, or Coroner so presiding as aforesaid,) shall forfeit and pay for every such Offence, to the Party for whom or on whose Account any such Jury or Witnesses shall have been summoned, any Sum not exceeding Twenty Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

Penalty on Sheriff or his Substitute, or Jurors or Witnesses, making default.

XV. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oaths, or being Quakers or Separatists upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, or Coroner, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject or liable.

Jurors to be under the same Regulations as those of the Superior Courts.

XVI. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same

Expences of Jury and Witnesses how to be paid.

same or a greater Sum than shall have been previously offered by the said Trustees of the *British Museum* for the Purchase of any of the said Messuages and other Hereditaments hereby authorized to be purchased as aforesaid, all Costs, Charges, and Expences of summoning, impannelling, and returning such Jury, and of the summoning and Attendance of Witnesses, and of the Inquisition and Verdict and Judgment thereon, and of recording the same, or in anywise consequent or incident to the same, shall be defrayed by the Trustees of the *British Museum*; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Coroner presiding as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the Trustees of the *British Museum*, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Middlesex* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the Trustees of the *British Museum* in manner aforesaid, one Moiety of the said Costs, Charges, and Expences (the same Costs, Charges, and Expences to be settled and determined as aforesaid) shall be defrayed by the Party with whom the Trustees of the *British Museum* shall have such Controversy or Dispute, and the Remainder shall be defrayed by the Trustees of the *British Museum*, and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, and having been paid by the Trustees of the *British Museum*, shall be deducted and retained by the Trustees of the *British Museum* out of the Money adjudged to be paid to such Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken, to all Intents and Purposes, to be a good Payment or Tender of the whole thereof; and in case the Trustees of the *British Museum* (having deducted and retained such Moiety as aforesaid) shall not pay the whole of such last-mentioned Costs, Charges, and Expences as aforesaid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same may be levied and recovered in manner last aforesaid: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences, to be settled and determined, levied and recovered, in manner herein-before directed, shall be borne and paid by the Trustees of the *British Museum*: Provided also, that an Offer by the Trustees of the *British Museum* to pay any such Sum of Money as aforesaid for the Purchase of any Messuages or other Hereditaments to be used or taken for the Purposes of this Act, to such Person or Corporation as shall
under

under the Provisions of this Act be found entitled to receive the same, or into the Bank of *England*, to such Account or otherwise in such Manner as the same Money shall, under the Provisions of this Act be applicable to the particular Case, be of right payable, (such Offer being made in Writing under the Corporate Seal of the Trustees of the *British Museum*, and given or sent by the Post unto or delivered to some Inmate of the last or usual known Place of Abode of the Person authorized to sell the said Messuages or other Hereditaments, or, in the Case of a Corporation, to the Clerk, Agent, or principal Officer at the Office or Place of Business of such Corporation,) shall be a sufficient Offer to pay such Purchase Money, for the Purposes herein-before mentioned, without legal Tender for such Purchase Money.

XVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any of the said Messuages or other Hereditaments hereby authorized to be purchased, or for any Interest therein, or for the Release of any such Messuages or other Hereditaments from any Rents or other Incumbrances charged thereon, which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Idiot, Lunatic, or Cestuique Trust, whether Infants, Issue unborn, Femes Covert, or any Person whose Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, or unborn, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Trustees of the *British Museum*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made in a summary Way, upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the Hereditaments in respect whereof such Money shall be paid, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting such Hereditaments, or affecting other Hereditaments standing settled therewith to the same or to the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Hereditaments, which shall be conveyed, limited, and settled

Application of Compensation Money when amounting to 200*l.* or upwards.

1 G. 4. c. 35.

settled to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being be entitled to the Rents and Profits of such Hereditaments so to be purchased and settled, in case the same had been so purchased and settled.

Application of
Compensation
Money when
less than 200*l.*
and exceeding
20*l.*

XVIII. And be it further enacted, That if any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Hereditaments in respect whereof such Money shall be awarded or agreed to be paid, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the Trustees of the *British Museum*, signified in Writing under their Corporate Seal, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as last aforesaid, in order to be applied in manner lastly herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, (such Nomination to be approved of by the Trustees of the *British Museum*,) and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under the Corporate Seal of the Trustees of the *British Museum*; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is last herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

Application of
Compensation
Money when
not exceeding
20*l.*

XIX. And be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof such Money shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity,

city, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees.

XX. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Messuages or other Hereditaments hereby authorized to be purchased as aforesaid, or for any Interest therein, or for the Release of any such Hereditaments from any Rent or other Incumbrance charged thereon, or for any other Right or Interest to, in, or affecting any such Hereditaments, shall refuse to accept the same, or cannot conveniently be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to the Satisfaction of the Trustees of the *British Museum*, for the Purposes of this Act, to the Hereditaments, Right, or Interest for or in respect whereof such Money shall be agreed or awarded to be paid, or if any Party entitled unto or capacitated to convey such Hereditaments, Right, or Interest shall not be known, or cannot conveniently be found, or shall be absent from *England*, or shall refuse or neglect to convey the same, or shall not be shown to the Satisfaction of the Trustees of the *British Museum* to be such Party, then and in every such Case it shall be lawful for the said Trustees to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Hereditaments, describing them, so far as the Trustees of the *British Museum* can do so, subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money, or to any Part thereof, by Petition, is hereby empowered, in a summary Way of proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Parties making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the Trustees of the *British Museum*, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use, described as aforesaid, the same is received.

XXI. Provided always, and be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid, or otherwise upon this Act, touching the Title of any Party to any Hereditaments, or to any Interest in any Hereditaments, or to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Hereditaments, or of any Estate, Right, Title, or Interest in any Hereditaments hereby authorized to be purchased as aforesaid, or to any Annuities or Securities to be purchased with any such Money, as herein mentioned, or the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in possession or receipt of the Rents or Profits of such Lands,

Application of Purchase Money in case of not making out Titles, &c.

In case of disputed Title, Persons in possession presumptively entitled.

Lands at the Time of purchasing the same, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Hereditaments, or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to some Part of such Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order reasonable Expences of Purchases and Costs of incapacitated Persons to be paid by the Trustees of the British Museum.

XXII. And be it enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Hereditaments to be purchased under the Authority of this Act, or from any other Cause, the Purchase Money for any Hereditaments shall be required to be paid into the Bank of *England*, and be subject to the Orders and Directions of the Court of Exchequer under the Provisions contained in this Act, it shall be lawful for the Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, or which may be incurred in consideration thereof, and all the Costs, Charges, and Expences of the Investment of such Purchase Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, togethêr with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and of the Payment out of Court of the Principal of such Purchase Money, or of the Government or Real Securities aforesaid, to be paid by the Trustees of the *British Museum*, who shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Power to enter Lands on Payment or Tender of Purchase Money.

XXIII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury in manner aforesaid, for the Purchase of any of the said Messuages and other Hereditaments hereby authorized to be purchased as aforesaid, to the respective Proprietors of such Hereditaments or other Persons respectively interested therein, and entitled, according to the Provisions of this Act, to receive such Money or Satisfaction or Compensation respectively, within Three Calendar Months next after the same shall have been so agreed upon or awarded, or whenever any of the respective Cases shall happen wherein such Purchase Money is herein-before authorized or directed to be paid into the Bank of *England*, then upon Payment of the same into the Bank of *England* in manner in such Case herein-before authorized or directed, it shall be lawful for the Trustees of the *British Museum* immediately to enter upon such Hereditaments, and thereupon such Hereditaments, and the Fee Simple and Inherit-

ances thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein whose Estates, Rights, and Interests shall have been purchased or compensated for by such Payment, shall thenceforth be vested in and become the sole Property of the Trustees of the *British Museum*, to and for the Purposes of this Act, and the Trustees of the *British Museum* shall not be bound to see to the Application of any such Purchase Money; and such Payment or Tender and such Conveyance as herein-before mentioned, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever, of and in the said Hereditaments, but although Terms shall be merged they shall in Equity afford the same or the like Protection and Priority as if they were assigned as herein-before mentioned: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the Trustees of the *British Museum*, or for any Person acting under their Authority, to enter upon such Hereditaments without the previous Consent of the Owners and Occupiers thereof respectively.

XXIV. And be it further enacted, That all Persons in possession of any of the Messuages or other Hereditaments hereby authorized to be purchased, and who shall have no greater Interest in such Hereditaments than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver the Possession of such Premises to the Trustees of the *British Museum*, or to such Person as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the Trustees of the *British Museum* to or left at the usual or last known Place of Abode of such respective Tenants or Lessees or Persons in possession, or left upon the said Hereditaments, or at such other Time after the Expiration of Six Calendar Months as in such Notice they shall be respectively required, whether such Notice shall be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Hereditaments shall be purchased by the Trustees of the *British Museum*; and in case any such Tenant or Lessee or Person so in possession as aforesaid shall refuse to deliver such Possession as aforesaid, it shall be lawful for the Trustees of the *British Museum* to issue their Precept under their Common Seal to the Sheriff of the said County of *Middlesex* to deliver Possession of the said Hereditaments to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Hereditaments accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person so refusing to deliver Possession, by Distress and Sale of his Goods and Chattels.

XXV. Provided always, and be it further enacted, That where any such Tenant, Lessee, or other Person shall be required to deliver the Possession of any of the Hereditaments so occupied by

Tenants at Will
for a Year or
from Year to
Year to quit
Premises after
Notice.

Compensation
for Interests of
such Tenants to
be settled by a

Jury, in case of
Dispute.

him before the Expiration of his Term or Interest therein, the Trustees of the *British Museum* shall and they are hereby required to make or tender to such Tenant, Lessee, or other Person, before they shall issue their Precept to the Sheriff to give Possession of the Hereditaments in the Occupation of such Tenant, Lessee, or Person, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Hereditaments and Fixtures, and the Loss which will be caused to him by the Removal of his Furniture and Effects, which Satisfaction or Compensation and Loss, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Hereditaments purchased by the Trustees of the *British Museum* is by this Act directed to be ascertained and determined: Provided always, that when *Christopher Haedy*, the Occupier of the House No. 80, *Great Russell Street*, shall be required to deliver up Possession thereof, he shall be paid by the said Trustees for his Fixtures and the Loss which will be caused to him by the Removal of his Furniture and Effects, the Amount of such Payment to be ascertained and determined in manner aforesaid.

Persons holding
under Leases
to produce the
same.

XXVI. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction, Recompence, or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease or Agreement for Lease, or Grant thereof, the Trustees of the *British Museum* are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, Demise, or Grant in respect of which such Claim to Satisfaction, Recompence, or Compensation shall be made, or the best Evidence thereof in his Power, and if such Lease or Agreement for Lease, Demise, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within a reasonable Time after Demand made by the Trustees of the *British Museum*, or any Person by them authorized, the Party claiming such Satisfaction, Recompence, or Compensation shall be considered and treated as a Tenant holding only from Year to Year.

Parties to deli-
ver a Statement
of their Estates
and Claims
within One
Calendar Month
after Notice.

XXVII. And be it further enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the Trustees of the *British Museum*, or their Agent duly authorized, of their Intention to purchase any of the said Messuages or other Hereditaments hereby authorized to be purchased, shall have been given to any Person or Corporation seised or possessed of or entitled to, or authorized by this Act to accept and receive Satisfaction and Compensation for the Value of the same Hereditaments, or any Estate, Share, or Interest therein, or Charge or Incumbrance thereon, such Person or Corporation shall deliver or cause to be delivered at the said *British Museum* a Statement in Writing of the Particulars of the Estate, Share, Interest, Charge, or Incumbrance which he or they claim to be entitled to or be authorized to receive Satisfaction and Compensation for, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, Charge, or Incumbrance.

XXVIII. And

XXVIII. And be it further enacted, That the several Houses mentioned or referred to in the Schedule to this Act, in case the same shall be purchased by virtue of this Act, shall, after the Purchase thereof, and until they shall be taken down, be used or occupied only as Residences for Persons holding Situations in the *British Museum*, and the Sites of them, and all the Ground which shall be purchased by virtue of this Act, shall be laid to and be made to form Part of the Site and Ground of the *British Museum*; and no Houses, Shops, or Buildings whatever shall at any Time be erected or be suffered to remain or be on or over the Sites of the said Houses, or on or over any Ground which shall be purchased by virtue of this Act, except Buildings to be Part or for the Use of the *British Museum*, or Residences for Persons holding Situations therein; and no Trade or Business of any Kind shall at any Time be carried on in, on, or over any Part of the Premises which shall be purchased by virtue of this Act, or in, on, or over any Building which shall be erected thereon, except Trades or Businesses solely for the Purposes of the *British Museum*; and no Act, Matter, or Thing shall at any Time be done in or upon any Part of the Premises which shall be purchased by virtue of this Act which shall or may be or grow to the Annoyance, Nuisance, Grievance, Damage, or Disturbance of the Duke of *Bedford*, his Heirs or Assigns, (such Assigns being Owners of Ground or Building in *Great Russell Street* or *Montague Street* in the Parish of *Saint George Bloomsbury* in the County of *Middlesex*,) or any of his or their Tenants, or whereby any Window Light or Drain belonging to any Building belonging or which shall belong to the said Duke, his Heirs or Assigns, (such Assigns being Owners of Ground or Building in *Great Russell Street* or *Montague Street* aforesaid,) shall or may be stopped or obstructed; and that the said Duke, his Heirs and Assigns, shall be at liberty to retain Possession (without paying or being liable to pay any Rent or Compensation for the same) of the *Bedford Office*, and its Garden, Lodge, and Appurtenances, (being Part of the Premises mentioned or referred to in the said Schedule,) till the Expiration of Three Years after Notice to quit the same shall be given to him (such Notice not to be given till after the Purchase Money for the same has been paid to the said Duke, his Heirs or Assigns); and that the East Flank Wall of the House numbered Eighty-eight, in *Great Russell Street*, which will be laid bare by taking down the adjoining House, (being one of the Houses mentioned or referred to in the said Schedule,) shall, within One Month after the taking down of such adjoining House, be made good as an external Wall, and be cemented, by and at the Costs of the Trustees of the *British Museum*, to the Satisfaction of the Surveyor for the Time being of the said Duke, his Heirs or Assigns, and in such Manner as the said Surveyor shall approve of; and that the said Flank Walls, and the Walls next the *Bedford Office* Garden of the Savings Bank in *Montague Street*, shall, from and after the Purchase by the Trustees of the *British Museum* of the Premises adjoining the same, be considered to be external Walls, and that no Part thereof, or of the Flue of the Lodge at the North-east Corner of the *Bedford Office* Garden which runs up in one of the Walls of the said Savings Bank, shall be bought by the Trustees of the *British Museum*,

Ground purchased to be laid out for the *British Museum*.

To prevent Annoyances to the Duke of *Bedford*, &c.

Respecting the *Bedford Office*, &c.

Museum, or be considered as comprised in the said Schedule; and that the Trustees of the *British Museum* shall, with all convenient Speed, repair and make good to the Satisfaction of the said Surveyor, and bear and pay all Damage, Loss, and Injury (if any) which shall be done to any House or Houses or Building or Buildings near or adjoining to the Houses and Buildings by this Act authorized to be purchased, or shall be sustained by the Owners or Occupiers thereof by, through, or in consequence of the taking down of any of the Houses or Buildings by this Act authorized to be purchased, or any Part or Parts thereof.

Limiting Time
for purchasing
Lands.

XXIX. And be it further enacted, That the Powers by this Act granted for compelling the Sale of the Messuages, Buildings, Pieces or Parcels of Land, and Hereditaments specified in the said Schedule to this Act annexed, and the Leases, Terms, Estates, Rights, and Interests therein, shall cease and be utterly null after the Space of Six Years from the passing of this Act; and that the Duke of *Bedford*, his Heirs or Assigns, shall not at any Time be compelled or obliged to sell any less Part than the Whole of the said Messuages, Buildings, Pieces or Parcels of Lands, and Hereditaments.

The SCHEDULE to which this Act refers.

Parish of Saint George Bloomsbury.

Description.	Situation.	Owners or reputed Owners.		Occupiers.
		Freeholder.	Lessees or reputed Lessees.	
Dwelling House, Yard, Garden, &c.	No. 78, Great Russell Street.	The Duke of Bedford.	The Trustees of the Clerical, Medical, and General Life Assurance Office.	J. Pinckard, Esq.
Ditto	79, Ditto	Ditto	William Hobson	J. Hanson Peile.
Ditto	80, Ditto	Ditto	-	Christopher Haedy.
Ditto	81, Ditto	Ditto	William Lynch	William Lynch.
Ditto	82, Ditto	Ditto	Thomas Gotobed	Thomas Gotobed.
Ditto	83, Ditto	Ditto	William Blackburn	Miss Blackburn.
Ditto	84, Ditto	Ditto	Mrs. Hailey	Nicholas Winsland.
Ditto	85, Ditto	Ditto	David Jane Ro- bertson	John Sylvester.
Ditto	86, Ditto	Ditto	Sir Robert H. Inglis, Baronet.	Benjamin Ferrey. Edward Tribe.
Ditto	87, Ditto	Ditto	The Executors of Richard Perry.	Doctor Pidduek.
The Bedford Of- fices, Garden, and Porter's Lodge.	In Montague Street.	Ditto.		

C A P. XL

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy. (a) [4th June 1839.]

WHEREAS it is desirable that further Protection should be afforded to Purchasers against Judgments, Crown Debts, and Lis pendens: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Judgment shall hereafter be docketted under the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer, at Westminster*, but that all such Dockets shall be finally closed immediately after the passing of this Act, without Prejudice to the Operation of any Judgment already docketted and entered under the said recited Act, except so far as any such Judgment may be affected by the Provisions herein-after contained.

No Judgments to be hereafter docketted under the Provisions of 4 & 5 W. & M. c. 20.

II. And be it enacted, That no Judgment already docketted and entered under the said recited Act of Their late Majesties King *William* and Queen *Mary* shall after the First Day of *August* One thousand eight hundred and forty-one affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until such Memorandum or Minute thereof as is prescribed in an Act passed in the First and Second Years of Her present Majesty Queen *Victoria*, intituled *An Act for abolishing Arrest on Mesne Process and Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England*, shall be left with the Senior Master of the Court of Common Pleas at *Westminster*, who shall forthwith enter the same in manner thereby directed in regard to Judgments; and such Officer shall be entitled for any such Entry to the Sum of Five Shillings.

As to Judgments already docketted.

1 Vict. c. 110.

III. And be it enacted, That in addition to the Entry by the said last-mentioned Act or by this Act required to be made in a Book by the Senior Master, of the Particulars to be contained in every Memorandum or Minute left with him of any Judgment, Decree or Order, Rule or Order, he shall insert in such Book the Year and the Day of the Month when every such Memorandum or Minute is so left with him.

The Date when the Memorandum of Judgment is left to be entered in a Book.

IV. And be it enacted, That all Judgments of any of the Superior Courts, Decrees or Orders in any Court of Equity, Rules of a Court of Common Law, and Orders in Bankruptcy or Lunacy, which since the passing of the said recited Act of the First and Second Years of the Reign of Her present Majesty have been registered under the Provisions therein contained, or which shall hereafter be so registered, shall, after the Expiration of Five Years from the Date of the Entry thereof, be null and void against

Judgments, after Five Years from Entry, to be void, unless a fresh Memorandum is left.

(a) [See Chap. 29. post.]

Lands, Tenements, and other Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless a like Memorandum or Minute as was required in the first instance is again left with the Senior Master of the said Court of Common Pleas within Five Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or as to Creditors, within Five Years before the Right of such Creditors accrued, and so, *toties quoties*, at the Expiration of every succeeding Five Years; and the Senior Master shall forthwith re-enter the same in like Manner as the same was originally entered; and such Officer shall be entitled for any such Re-entry to the Sum of One Shilling.

How far Judgments duly registered to affect Purchasers or Mortgagees.

V. Provided also, and be it enacted, That as against Purchasers and Mortgagees without Notice of any such Judgment, Decrees or Orders, Rules or Orders as aforesaid, none of such Judgments, Decrees or Orders, Rules or Orders, shall bind or affect any Lands, Tenements, or Hereditaments, or any Interest therein, further or otherwise or more extensively in any respect, although duly registered, than a Judgment of one of the Superior Courts aforesaid would have bound such Purchaser or Mortgagee before the said Act of the First and Second Years of the Reign of Her present Majesty, where it had been duly docketted according to the Law then in force.

Not to revive Judgments already extinguished, &c.

VI. Provided also, and be it enacted, That nothing in the said recited Act of Her present Majesty nor in this Act contained shall extend to revive or restore any Judgment which shall be extinguished or barred, nor shall the same extend to affect or prejudice any Judgment as between the Parties thereto, or their Representatives, or those deriving as Volunteers under them.

Purchasers not to be affected by any Lis pendens, unless such Suit is duly registered as directed by this Act.

VII. And be it enacted, That no Lis pendens shall bind a Purchaser or Mortgagee without express Notice thereof, unless and until a Memorandum or Minute, containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and the Court of Equity, and the Title of the Cause or Information, and the Day when the Bill or Information was filed, shall be left with the Senior Master of the said Court of Common Pleas, who shall forthwith enter the same Particulars in a Book as aforesaid, in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Lis pendens; and such Officer shall be entitled for any such Entry to the Sum of Two Shillings and Sixpence; and the Provisions herein-before contained in regard to the re-entering of Judgments every Five Years, and the Fee payable to the Officer thereon, shall extend to every Case of Lis pendens which shall be registered under the Provisions of this Act.

Recognizances entered into not to affect Purchasers, unless duly registered as directed by this Act.

VIII. And be it enacted, That no Judgment, Statute, or Recognizance which shall hereafter be obtained or entered into in the Name or upon the proper Account of Her Majesty, Her Heirs or Successors, or Inquisition by which any Debt shall be found due to Her Majesty, Her Heirs or Successors, or Obligation or Speciality which shall hereafter be made to Her Majesty, Her Heirs

or

or Successors, in the Manner directed by an Act passed in the Thirty-third Year of the Reign of His late Majesty King *Henry* the Eighth, intituled *The Erection of the Court of Surveyors of the King's Lands, and the Names of the Officers there, and their Authority*, or any Acceptance of Office which shall hereafter be accepted by Officers whose Lands shall thereby become liable for the Payment and Satisfaction of Arrearages under the Provisions of the Act passed in the Thirteenth Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act to make the Lands, Tenements, Goods, and Chattels of Tellers, Receivers, et cætera, liable to the Payment of their Debts*, shall affect any Lands, Tenements, or Hereditaments, as to Purchasers or Mortgagees, unless and until a Memorandum or Minute, containing the Name and the usual or last Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and also in the Case of any Judgment the Court and the Title of the Cause in which such Judgment shall have been obtained, and the Date of such Judgment, and the Amount of the Debt, Damages, and Costs thereby recovered, and also in the Case of a Statute or Recognizance the Sum for which the same was acknowledged, and before whom the same was acknowledged, and the Date of the same, and also in the Case of an Inquisition the Sum thereby found to be due, and the Date of the same, and also in the Case of an Obligation or Specialty the Sum in which the Obligee shall be bound, or for which the Obligation or Specialty shall be made, and the Date of the same, and also in the Case of Acceptance of Office the Name of the Office and the Time of the Officer accepting the same, shall be left with the Senior Master of the said Court of Common Pleas, who shall forthwith enter the same Particulars in a Book, to be intituled "The Index to Debtors and Accountants to the Crown," in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Judgment, Statute, or Recognizance, Inquisition, Obligation, or Specialty, or the Acceptance of any Office; and such Officer shall be entitled for any such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the same Book, and also the other Book to be kept according to the Provisions of the said recited Act of the First and Second Years of the Reign of Her present Majesty, or either of the said Books, on Payment of the Sum of One Shilling, whether one only or both of the said Books shall be searched, and no Multiplication of Books is to increase the Fee.

33 Hen. 8. c. 39.

13 Eliz. c. 4.

Registry to be open to Inspection.

IX. And be it enacted, That whenever a Quietus shall be obtained by a Debtor or Accountant to the Crown, and an Office Copy thereof shall be left with the Senior Master of the said Court of Common Pleas, together with a Certificate, signed by the Accountant General, that the same may be registered, the said Master shall forthwith enter the same in the said Book of Debtors and Accountants to the Crown, in alphabetical Order, by the Name of the Person whose Estate is intended to be discharged by such Quietus, with the Date, and shall for any such Entry be entitled to a Fee of Two Shillings and Sixpence.

Quietus to Debtors or Accountants to the Crown to be registered.

X. And whereas it is expedient to make further Provision for the Discharge of an Estate belonging to a Debtor or Accountant

For Discharge of the Estates of Debtors or

Accountants to
the Crown in
certain Cases.

‘ to the Crown from the Claim of the Crown in the Hands of a Purchaser or Mortgagee, although the Debt or Liability shall not be fully discharged;’ be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, or any Three of them, by Writing under their Hands, upon Payment of such Sums of Money as they may think fit to require into the Receipt of Her Majesty’s Exchequer, to be applied in liquidation of the Debt or Liability of any Debtor or Accountant to the Crown, or upon such other Terms as they may think proper, to certify that any Lands, Tenements, or Hereditaments of any such Crown Debtor or Accountant shall be held by the Purchaser or Mortgagee or intended Purchaser or Mortgagee thereof, his or their Heirs, Executors, Administrators, and Assigns, wholly exonerated and discharged from all further Claims of Her Majesty, Her Heirs or Successors, for or in respect of any Debt, Claim, or Liability, present or future, of the Debtor or Accountant to whom such Lands, Tenements, or Hereditaments belonged, or, in Cases of Leases for Fines, to certify that the Lessees, their Heirs, Executors, Administrators, and Assigns, shall hold so exonerated and discharged, without Prejudice to the Rights and Remedies of the Crown against the Reversion of the Lands, Tenements, or Hereditaments comprised in any such Leases, and the Rents and Covenants reserved and contained by and in the same; and thereupon the same Lands, Tenements, or Hereditaments shall respectively be held accordingly wholly exonerated and discharged as aforesaid, but in the Cases of Leases without Prejudice as aforesaid.

Where Part of
Estate dis-
charged not to
affect Claim on
other Part.

XI. Provided also, and be it enacted, That any such Certificate, or the Discharge of any such Lands, Tenements, or other Hereditaments by virtue of this Act, shall in nowise impeach, lessen, or affect the Right or Power of Her Majesty, Her Heirs or Successors, to levy the whole of any Debt or Demand which may at any Time be due from any such Debtor or Accountant to the Crown out of or from any other Lands, Tenements, or Hereditaments which would have been liable thereto in case no such Certificate had been granted and no such Discharge had been obtained.

For Protection
of Purchasers
against secret
Fiats of Bank-
ruptcy.

XII. ‘ And whereas it is expedient that further Provision should be made for the Protection of Purchasers against secret Acts of Bankruptcy and Fiats in Bankruptcy;’ be it therefore enacted, That all Conveyances by any Bankrupt *bonâ fide* made and executed before the Date and issuing of the Fiat against such Bankrupt shall be valid, notwithstanding any prior Act of Bankruptcy by him committed, provided the Person or Persons to whom such Bankrupt so conveyed had not at the Time of such Conveyance Notice of any prior Act of Bankruptcy by him committed.

In what Case
Purchases from
Bankrupts may
be impeached.

XIII. And be it enacted, That no Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless the Commission against such Bankrupt shall have been sued out within Twelve Calendar Months after such Act of Bankruptcy.

Extent of Act.

XIV. And be it enacted, That this Act shall not extend to *Ireland*.

C A P. XII.

An Act to amend an Act of the Thirty-ninth Year of King George the Third, for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for preventing treasonable and seditious Practices, and to put an End to certain Proceedings now pending under the said Act. [4th June 1839.]

WHEREAS in an Act passed in the Thirty-ninth Year of the Reign of King George the Third, intituled *An Act for the more effectual Suppression of Societies established for seditious and treasonable Purposes, and for the better preventing treasonable and seditious Practices*, certain Provisions are contained to restrain the printing or publishing of any Papers or Books whatsoever which should be meant or intended to be published or dispersed without the Name and Place of Abode of the Printer thereof being printed thereon in the Manner in the said Act specified: And whereas the said Provisions have given Occasion to many vexatious Proceedings at the Instance of common Informers, and it is expedient to discourage the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as enacts that every Person who, after the Expiration of Forty Days after the passing of the said Act, shall print any Paper or Book whatsoever which shall be meant or intended to be published or dispersed, whether the same shall be sold or given away, shall print upon the Front of every such Paper, if the same shall be printed on One Side only, and upon the first and last Leaves of every Paper or Book which shall consist of more than One Leaf, in legible Characters, his or her Name, and the Name of the City, Town, Parish, or Place, and also the Name (if any) of the Square, Street, Lane, Court, or Place in which his or her Dwelling House or usual Place of Abode shall be, and that every Person who shall omit so to print his Name and Place of Abode on every such Paper or Book printed by him, and also every Person who shall publish or disperse, or assist in publishing or dispersing, either *gratis* or for Money, any printed Paper or Book which shall have been printed after the Expiration of Forty Days from the passing of the said Act, and on which the Name and Place of Abode of the Person printing the same shall not be printed as aforesaid, shall for every Copy of such Paper so published or dispersed by him forfeit and pay the Sum of Twenty Pounds, shall be and the same is hereby repealed.

II. And be it enacted, That every Person who after the passing of this Act shall print any Paper or Book whatsoever, which shall be meant to be published or dispersed, and who shall not print upon the Front of every such Paper, if the same shall be printed on One Side only, or upon the first or last Leaf of every Paper or Book which shall consist of more than One Leaf, in legible Characters, his or her Name and usual Place of Abode or Business, and every Person who shall publish or disperse, or assist in publishing

39 G. 3. c. 79.

Repeal of
39 G. 3. c. 79.
s. 27.

Penalty upon
Printers for not
printing their
Name and Re-
sidence on every
Paper or Book ;
and on Persons
publishing the
same.

lishing or dispersing, any printed Paper or Book on which the Name and Place of Abode of the Person printing the same shall not be printed as aforesaid, shall for every Copy of such Paper so printed by him or her forfeit a Sum not more than Five Pounds: Provided always, that nothing herein contained shall be construed to impose any Penalty upon any Person for printing any Paper excepted out of the Operation of the said Act, either in the said Act or by any Act made for the Amendment thereof.

Proviso.

As to Books or Papers printed at the University Presses.

No Actions for Penalties to be commenced, except in the Name of the Attorney or Solicitor General in England, or the Queen's Advocate in Scotland.

III. And be it enacted, That in the Case of Books or Papers printed at the University Press of *Oxford*, or the *Pitt* Press of *Cambridge*, the Printer, instead of printing his Name thereon, shall print the following Words: "Printed at the University Press, *Oxford*," or "The *Pitt* Press, *Cambridge*," as the Case may be.

IV. Provided always, and be it enacted, That it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Complaint, or Information in any of Her Majesty's Courts, or before any Justice or Justices of the Peace, against any Person or Persons, for the Recovery of any Fine, Penalty, or Forfeiture made or incurred, or which may hereafter be incurred under the Provisions of this Act, unless the same be commenced, prosecuted, entered, or filed in the Name of Her Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or Her Majesty's Advocate for *Scotland* (as the Case may be respectively); and if any Action, Bill, Complaint, or Information shall be commenced, prosecuted, entered, or filed in the Name or Names of any other Person or Persons than is or are in that Behalf before mentioned, the same, and every Proceeding thereupon had, are hereby declared and the same shall be null and void to all Intents and Purposes.

Persons sued before the passing of this Act for Penalties incurred under the recited Act, may apply to the Court or to a Judge to stay Proceedings upon certain Conditions.

V. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said recited Act, to apply to the Court in which such original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, or to any Justice of the Peace before whom any such Complaint or Information shall be pending, or any Conviction shall have been had or obtained, or to any other Justice of the Peace acting for the same County, Riding, Division, City, Borough, or Place, as the Justice of the Peace before whom such Complaint or Information shall be pending or such Conviction shall have been had or obtained, for an Order that such Writ, Suit, Action, Bill, Complaint, or Information shall be discontinued, or such Conviction be quashed, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court, or in case of any Proceeding before a Justice, to be taxed and ascertained by such Justice; and every such Court or Judge, or Justice of the Peace, as the Case may be, is hereby authorized and required, upon such Application, and

Proof

Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued, or such Conviction shall be quashed, as the Case may be: Provided always, that in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out or commenced subsequently to the Sixteenth Day of *April* One thousand eight hundred and thirty-nine, it shall be lawful for such Court, Judge, or Justice as aforesaid to make such Order for discontinuing the same, or quashing any Conviction had thereon, without Payment of any Costs, and in every such Case, on the making of such Order, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued, or such Conviction shall be forthwith quashed, as the Case may be: Provided always, that nothing herein contained shall be deemed or taken to enable any Person to recover back any Money paid before the passing of this Act, in pursuance of any Judgment or Conviction duly obtained under the Provisions of the said recited Act.

VI. And be it enacted, That the said Act, and all Acts made for the Amendment thereof, except so far as herein repealed or altered, shall be construed as One Act together with this Act. Former Acts construed with this Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended.

C A P. XIII.

An Act for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics. (a)

[4th June 1839.]

‘WHEREAS by an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Encouragement of the Arts of designing and printing Linens, Calicoes, and Muslins by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time*; and by another Act made in the Thirty-fourth Year of the same Reign, for amending and making perpetual the said Act, it was enacted, that every Person who should invent, design, and print, or cause to be invented, designed, and printed, and become the Proprietor of any new and original Pattern or Patterns for printing Linens, Cottons, Calicoes, or Muslins, should have the sole Right and Liberty of printing and re-printing the same for the Term of Three Months: And whereas it is expedient to extend the said Acts to *Ireland*: And whereas since the passing of the last-recited Act there have been invented other Fabrics of a similar Nature, to which the said Copyright doth not extend;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation on the passing thereof. Commencement of Act.

(a) [See Chap. 17. post.]

II. And

Acts extended to Ireland.

Description of Fabrics to which the recited Acts shall extend.

Recited Acts construed with this Act.

Remedy for Offences committed.

II. And be it enacted, That the said recited Acts and this Act shall extend to *Ireland*, as well as to *England* and *Scotland*.

III. And be it enacted, That the Provisions of the said recited Acts shall extend to the following woven Fabrics published after the passing of this Act; (that is to say,)

To Fabrics composed of Wool, Silk, or Hair:

To mixed Fabrics, composed of any Two or more of the following Materials; (that is to say,) Linen, Cotton, Wool, Silk, or Hair.

IV. And with regard to any Fabrics to which the recited Acts and this Act extend which shall be published after the passing of this Act, be it enacted, That the recited Acts and this Act shall be construed as One Act.

V. And be it enacted, That if any Offence either against the recited Acts or against this Act be committed in *Ireland*, the Party aggrieved shall have the same Remedies in the Supreme Courts of Law in *Dublin* which in the like Case the same Party would have in *England*.

C A P. XIV.

An Act for removing Doubts as to the Appointment of a Dean of *Exeter* or of any other Cathedral Church. (a)

[4th June 1839.]

6 & 7 W. 4. c. 67.

1 & 2 Vict.
c. 108.

A Prebend or Canonry may be filled up to qualify for a Deanery, notwithstanding the Cathedral Appointments Suspension Acts.

‘ **W**HEREAS by the Statutes and Customs of the Cathedral Church of *Exeter*, and of certain other Cathedral Churches, it is required that the Deans of such Churches respectively shall be appointed or elected out of the Number of the Prebendaries or Canons Residentiary thereof: And whereas the Deanery of the said Cathedral Church of *Exeter* is now vacant, but by reason of the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, which Act was and is continued by an Act passed in the last Session of Parliament, intituled *An Act for suspending until the First Day of August One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the Appointment to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, Doubts are entertained whether any Collation to a Prebend or any Election to a Canonry can be made in the present Circumstances of the Chapter of the said Church: And whereas similar Doubts may arise upon the Vacancy of the Deanery of any of such other Churches as aforesaid; be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in either of the said Acts contained shall during the Vacancy of the Deanery of any Cathedral Church prevent any Spiritual Person from being collated or elected or appointed to the Prebend or to the Canonry in such Church held by the last Dean thereof, for the Purpose of qualifying such Person to be appointed or elected Dean thereof, but that such

(a) [See Chap. 9. ante.]

Person

Person shall, upon such Collation, Election, or Appointment, be a Prebendary or Canon Residentiary of such Church to all Intents and Purposes, and entitled to all Rights, Privileges, and Emoluments to such Prebend or Canonry belonging or appertaining, subject nevertheless to such Measures and Regulations as may hereafter be enacted respecting the same.

C A P. XV.

An Act to provide for the more effectual Execution of the Office of a Justice of the Peace within and adjoining to the District called *The Staffordshire Potteries*, and for Purposes connected therewith. [4th June 1839.]

WHEREAS the Execution of the Office of a Justice of the Peace within the Borough of *Stoke-upon-Trent* (comprising the District called *The Staffordshire Potteries*), and the several Places adjoining thereto herein-after named; that is to say, the Townships, Liberties, or Places of *Trentham*, *Hanford*, and *Blurton*, in the Parish of *Trentham*; *Normacott* in the Parish of *Stone*; *Clayton*, *Botteslow*, *Bucknall*, and *Bagnall*, in the Parish of *Stoke-upon-Trent*; *Abbey Hulton* in the Parish of *Burslem*; the Parish of *Norton-on-the-Moors*; and *Wolstanton*, *Chell*, and *Chatterley*, in the Parish of *Wolstanton*, all in the County of *Stafford*, has become and is likely to continue difficult and burthensome, owing to the very great and increasing Extent of the Population and Manufactories within the Borough and Places aforesaid, and the Attendance of a sufficient Number of Justices of the Peace for the said County cannot always be procured for the prompt Administration of the said Office therein; and it would tend to afford better Protection to the Persons and Properties of the Inhabitants, and be of Advantage to the Public, if Provision were made by Authority of Parliament for the Appointment of a Justice of the Peace, with a Stipend or Salary, for the more effectual Execution of the Office of a Justice of the Peace within the said Borough of *Stoke-upon-Trent* and Places adjoining thereto, and for other Purposes connected therewith: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time as Occasion may require, to appoint and from Time to Time to remove One fit and able Person, being a Barrister at Law of Six Years standing at the least, and being a Justice of the Peace for the County of *Stafford*, to execute the Office of a Justice of the Peace within the said Borough of *Stoke-upon-Trent* and the Places adjoining thereto herein-before mentioned; and it shall be lawful for any such Person so appointed to act as a Justice of the Peace within the said Borough and Places adjoining thereto aforesaid without having such Qualification and without taking such Oath of Qualification as are required by Law for qualifying any Person to act as a Justice of the Peace, any Law or Statute to the contrary notwithstanding;

Her Majesty may appoint a Stipendiary Justice of the Peace for the Limits herein described.

standing; and it shall also be lawful for any such Person so appointed a Justice of the Peace to receive and take the Stipend or Salary herein-after mentioned as a Remuneration for his Services under the Provisions of this Act.

Such Justice may act with or without other Justices, but not out of the Limits;

II. And be it further enacted, That it shall be lawful for any such Stipendiary Justice to sit and act as a Justice of the Peace of the said County within the said Borough and Places adjoining thereto aforesaid, either alone or together with any other Justice or Justices of the Peace of the said County who may think proper to attend; but such Stipendiary Justice shall not during his Continuance in his said Office act as a Justice of the Peace out of the Limits of this Act.

may act alone in certain Cases;

III. Provided always, and be it further enacted, That it shall be lawful for any such Stipendiary Justice to do alone any Act within the Limits of this Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice in all Cases relating to Assaults.

not to be a Member of the House of Commons.

IV. Provided also, and be it further enacted, That no Stipendiary Justice of the Peace to be appointed by virtue of this Act shall during his Continuance in Office as such Stipendiary Justice be capable of being elected or of sitting as a Member of the House of Commons.

The Limits within which such Justice must reside; his Attendances and Places of sitting.

V. And be it further enacted, That such Stipendiary Justice shall reside within the Borough of *Stoke-upon-Trent*, or within Two Miles of the *North Staffordshire* Infirmary by the nearest Road, and shall attend at some suitable public Rooms or Offices, at the Times and in the several Towns herein-after mentioned, for the Hearing and Despatch of Business; that is to say, in every Week, One Day at *Hanley* or at *Shelton*, One Day at *Burslem*, One Day at *Tunstall*, One Day at *Stoke-upon-Trent* or *Fenton* alternately, and One Day at *Lane End* or at *Longton*, and on each Day from the Hour of Ten of the Clock in the Forenoon to the Hour of Four of the Clock in the Afternoon, unless the Business of the Day be sooner disposed of, and at all such other Times when any special Occasion may require his immediate Services: Provided always, that the Attendance of such Justice may, when requisite, be supplied by any other Justice of the Peace for the said County; provided also, that no such Attendance shall be given on *Sunday*, *Christmas Day*, *Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, unless in Cases of urgent Necessity, or when it shall be directed by One of Her Majesty's Principal Secretaries of State.

Salary.

VI. And be it further enacted, That a Salary at the Rate of Eight hundred Pounds in each Year shall be paid by the Treasurer to be appointed as herein-after directed to the Justice to be appointed by virtue of this Act, and his Successors respectively, such Salary to commence from the Time when any such Justice shall enter on the Duties of his Office, and to be paid so long as any such Justice shall continue to discharge the Duties of his Office; such Salary to be payable and paid by Two equal half-yearly Payments on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December*, or on any following Day, on Demand made by or by Authority of such Justice; and a due Proportion of the first half-

half-yearly Sum shall be paid at the Time and in manner aforesaid in case the Justice shall enter on the Duties of his Office on any Day between such half-yearly Days; and in case of the Resignation or Removal of any such Justice between any such half-yearly Days of Payment, then he shall be entitled to and be paid a due Proportion of the said Salary up to the Period of his Resignation or Removal; and in case of his Death between any such half-yearly Days of Payment, his Representative shall be entitled to and be paid a due Proportion of the said Salary up to the Period of his Death.

VII. And be it further enacted, That it shall be lawful for any such Justice to be appointed in pursuance of this Act from Time to Time to appoint a Clerk, and from Time to Time at his Pleasure to remove any Clerk so appointed; and such Clerk shall attend in his own Person, and not by any Deputy, Substitute, or Proxy, (except when prevented by Illness or some other sufficient Cause, to be allowed under the Hand of such Justice,) at all official Sitzings of any Justice acting for the Purposes of this Act, and assist him in the Execution of his Duties; and the said Clerk shall be allowed and paid a Salary or Sum not exceeding Two hundred and fifty Pounds *per Annum*, at the Discretion of the said Stipendiary Justice, in full Recompence for his Trouble and Attendance in the Execution of this Act; such Salary or Sum to be paid by the Treasurer to be appointed as herein-after mentioned in Four equal quarterly Payments in every Year, and the first quarterly Payment thereof to be made at the End of Three Calendar Months from the Time of such Appointment.

Justice to appoint Clerk.

VIII. Provided always, and be it further enacted, That no such Clerk to be appointed as aforesaid shall during his Continuance in Office as such Clerk act as an Attorney or Solicitor, or Clerk to any Attorney or Solicitor, or Clerk to any Board of Guardians of the Poor.

Clerk while in Office not to act as a Solicitor.

IX. And be it further enacted, That as soon as conveniently may be after the passing of this Act Her Majesty's Justices of the Peace acting in and for the Hundred or Division of *Pirehill North* in the County of *Stafford*, in Special Sessions assembled, or any Two of them, shall make and settle a Table of the Fees which shall be taken by the said Clerk; and such Table of Fees shall be submitted to One of Her Majesty's Principal Secretaries of State, and such Table of Fees shall be confirmed and allowed by such Secretary of State, either with or without any Additions, Abatements, or Alterations therein to be made or not, at the Discretion of such Secretary of State, and thenceforth the Clerk of such Justice shall and lawfully may demand and take the Fees therein mentioned: Provided always, that it shall be lawful for any such Justices assembled in Special Sessions, or any Two of them, from Time to Time as Occasion may require, to make and settle any other Table of Fees to be taken instead of the Fees contained in any former Table, which shall be also submitted to and be confirmed and allowed by One of Her Majesty's Principal Secretaries of State in the Manner herein-before mentioned with respect to the first-mentioned Table of Fees; provided also, that until such Tables of the Fees so to be taken shall have been made and confirmed as aforesaid it shall be lawful for such Clerk to take such Fees as are authorized

Fees to the Clerk.

authorized by the Table for the Time being to be taken by the Clerks to the Justices acting for the said County of *Stafford*; provided further, that a Copy of the Table of Fees payable to such Clerk shall be affixed for public Inspection in the public Office or Place of public Business of the Justice acting in pursuance of this Act; and the said Clerk shall and he is hereby required, at the Expiration of every Calendar Month, to pay over the Amount of all Fees and Monies received by him by virtue of this Act into the Hands of the Treasurer to be appointed for the Purposes of this Act, and also from Time to Time to keep a true and accurate Account of all such Fees and Monies, and to enter the same, upon Receipt thereof, in a Book to be kept for that Purpose, which Book shall at all Times during every Sitting of any Justice acting in pursuance of this Act be open to the Inspection of the Justice or Justices then attending, and of any Owner or Owners or Occupier or Occupiers of Property rated under this Act at the Value of Twenty Pounds or upwards; and which Accounts shall be regularly made out half-yearly up to the Twenty-fourth Day of *June* and Twenty-fifth Day of *December* in every Year, and shall, within Fourteen Days after the Expiration of every such half-yearly Period, be verified by such Clerk upon some Declaration made and taken before any One of Her Majesty's Justices of the Peace for the said County; and in case at any Time any such Fees or Monies shall not be so paid over to such Treasurer, then the same may be levied and recovered by Distress and Sale of the Goods and Chattels of such Clerk, on the Information of such Treasurer, in like Manner as is herein-after provided respecting Monies due from Collectors and other Officers; and all such Fees and Monies as shall so be paid over to or recovered by the said Treasurer shall be applied in aid or reduction of the Rates or Assessments to be levied as herein-after mentioned.

Chief Bailiff,
&c. appointed
Commissioners.

X. And be it further enacted, That the Chief Bailiff for the Time being of *Hanley* and *Shelton*, his last living Predecessor in the Office of Chief Bailiff, the Chief Constable of *Burslem* for the Time being, his last living Predecessor in the Office of Chief Constable, the Chief or Head Constable of the Parish of *Norton-on-the-Moors* for the Time being, the Chief or Head Constable or Chief Bailiff of the Township of *Longton* for the Time being, his last living Predecessor in the Office of Chief or Head Constable or Chief Bailiff, the Chief or Head Constables of the several Townships of *Wolstanton*, *Tunstall*, *Fenton Culvert*, *Penkhull*, and *Trentham* for the Time being (being Twelve in Number), shall be and are hereby respectively appointed Commissioners for the Purposes herein-after mentioned: Provided always, that if by virtue of any Act passed or to be passed for the Purpose of watching or lighting or improving or regulating the Police in any Places within the Limits of this Act any Person shall be appointed Chief Bailiff of any of the Towns of *Wolstanton*, *Tunstall*, *Longton*, *Fenton Culvert*, *Penkhull*, and *Trentham* respectively, or of any District comprising any of the said Towns, then and in every such Case the Chief or Head Constable of the Township wherein any Chief Bailiff shall be so appointed shall thenceforward cease to be a Commissioner for the Purposes of this Act, and the Chief Bailiff for the Time being of the District comprising such Township shall

be and is hereby declared to be a Commissioner for the Purposes herein-after mentioned in the Place or Stead of the Chief or Head Constable of the same Township so ceasing to be such Commissioner.

XI. And be it further enacted, That the said Commissioners shall hold their First Meeting at the *Swan Inn at Hanley*, or some other convenient Place within the Limits of this Act, on the Third *Friday* after the passing of this Act, or on some subsequent *Friday*; and that all subsequent Meetings of the said Commissioners shall be held there, or at such others of the Towns herein-before named for the Attendance of the Stipendiary Justice, and on such Days and at such Hours, as the said Commissioners shall from Time to Time appoint (such Meetings not being convened earlier than Eleven of the Clock in the Forenoon or later than Three of the Clock in the Afternoon); and all the Powers and Authorities by this Act given to or authorized to be done by the said Commissioners shall and may be executed and done by or before any Five of the said Commissioners assembled at any Meeting, and shall be of as full Force and Effect as if executed or done by or before all the said Commissioners; and all Acts, Proceedings, and Determinations of the said Commissioners made at any such Meeting consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the said Commissioners present at such Meeting had concurred therein; and at such Meetings a Chairman shall be appointed or elected by the Commissioners present, and in case of an Equality of Votes on any Question such Chairman shall have a second or the casting Vote on every such Question; and all such Acts, Proceedings, and Determinations shall be from Time to Time entered in a Book to be kept for that Purpose, and shall be signed by the Chairman; and such Meetings may be adjourned from Time to Time as the said Commissioners shall think proper; and in case at any such Meeting a less Number than Five of the said Commissioners shall attend, then the Clerk of the said Commissioners shall adjourn such Meeting to some future Day within Fourteen Days then next; and the said Commissioners at their respective Meetings shall pay their own Expences, except for the Use of the Room wherein such Meeting shall be held.

Meetings and Proceedings of the Commissioners.

XII. And be it further enacted, That in order to provide suitable and convenient Rooms and Offices for the Attendance and Business of the said Stipendiary Justice, and proper Lock-up Houses or temporary Places of Confinement for Persons charged with Felonies, Misdemeanors, and other Offences within the Limits of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, (on Application or Requisition made to them for the Purpose in Writing signed by any Twenty or more Householders in the Townships or Places of *Hanley* and *Shelton* as one Division, or in such Parts of the Parish of *Burslem* as are in the Borough of *Stoke-upon-Trent* as one other Division, or in such Parts of the Townships of *Tunstall* and *Wolstanton* as are within the said Borough as one other Division, or in the Townships or Places of *Stoke-upon-Trent* and *Penkhull* as one other Division, or in the Townships of *Fenton Culvert* and *Fenton Vivian*

Providing Offices and Lock-up Houses.

as one other Division, or in the Townships of *Lane End* and *Longton* as one other Division, respectively liable to be rated or assessed in such Townships or Parishes or Places respectively for the Purposes of this Act to the Amount of Twenty Pounds each or upwards,) to treat, contract, and agree with any Person or Persons for the Purchase of or for the hiring for any Term or for any Number of Years of any fit and suitable Buildings and Premises, or of any Land or Ground for the Erection thereon of any Buildings, for any of the Purposes aforesaid, and also to contract and agree with any Person or Persons for the erecting of any such Rooms, Offices, or Lock-up Places as aforesaid, or any of them, or for any Uses or Purposes incidental to the Execution of this Act, as the said Commissioners shall from Time to Time order and direct; and the Treasurer to be appointed for the Purposes of this Act shall and he is hereby authorized and required from Time to Time to pay the Purchase Money for such Houses, Buildings, Lands, Grounds, and Premises, and also the Costs and Expences of all Erections, Alterations, Fittings up, Repairs, and Works made or done from Time to Time by the Order or Directions of the said Commissioners for the Purposes of this Act, and also such yearly or periodical Rents or Payments as shall be agreed upon as aforesaid between such Commissioners and the respective Owners, Lessees, or Persons interested in such Houses, Buildings, and Premises, on Demand and Production of any Lease, Assignment, Contract, or Agreement made in pursuance of this Act, on an Order signed by any Five or more of the said Commissioners for such Payments; and all such Buildings, Land, Ground, and Premises shall be conveyed to the Chief Bailiff or Chief or Head Constable (as the Case may require) for the Time being of the Division or District in which the same are respectively situated, and be vested in and held by him in Trust for the Purposes of this Act.

Authorizing
Constables to
take Recognizances.

XIII. And be it further enacted, That for the better Administration of the Police within the Limits of this Act it shall and may be lawful for the Justice to be appointed by virtue of this Act, by Writing under his Hand, to appoint One or more of the Constables in every Township within the Limits aforesaid, and at his Pleasure in like Manner to vacate any such Appointment, for the Purpose of taking, and every such Constable so appointed is hereby authorized to take, Recognizances, without any Fee or Reward, from all or any Persons or Person who shall be brought before him, them, or any of them in the Night-time (or at any other Time when the said Justice is not sitting for the Despatch of Business as aforesaid) on any Charge not amounting to Felony, for the Appearance of such Persons or Person before the Justice so to be appointed under this Act at his next public Sitting, for further Examination; and that such Recognizances so to be taken as aforesaid shall be of equal Obligation to the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before any of Her Majesty's Justices of the Peace; and such Constable or Constables shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties and of their Sureties (if any) entering into any such Recognizance, together with the Conditions thereof, and the Sums respectively acknowledged, and shall lay the same before the Justice

tice or Justices who shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within One Hour afterwards, such Justice or Justices shall cause a Record of the Recognizance to be drawn up, and to be signed by such Constable or Constables as aforesaid, and shall return the same to the next General or Quarter Sessions of the Peace, or the Adjournment thereof, for the said County of *Stafford*, with a Certificate at the Back thereof, signed by such Justice or Justices, that the Parties have not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Extracts and Schedules of every such Recognizance as of Recognizances taken in the Sessions of the Peace; but in case the Parties not appearing shall apply, by any Person on their Behalf, to postpone the Hearing of the Charge against them, it shall be lawful for the said Justice or Justices to enlarge the Recognizances to such further Time as he or they shall think proper; and in case of Appearance of the Parties before any Justice in pursuance of a Recognizance, then such Recognizance shall be discharged by such Justice without a Fee.

XIV. And be it further enacted, That it shall be lawful for any Justice of the Peace, in case of the Prevalence or Existence of Canine Madness, or in case of Suspicion thereof, by any Order under his Hand, to authorize and require any Person or Persons to be named in any such Order, and all such Persons are hereby respectively authorized accordingly, to destroy all Dogs which shall be found at large within the Limits of this Act on and after the Expiration of Twelve Hours from due Notice thereof being posted up in the several Towns within the said Borough of *Stoke-upon-Trent*, in such Manner as the said Justice shall direct; all which Orders of the said Justice shall continue in force until he shall see fit to recall or revoke the same.

Justice may order Destruction of Dogs for Protection against Canine Madness.

XV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to appoint a Treasurer or Treasurers of the Monies to be raised by virtue of this Act, with Power to remove any Treasurer or Treasurers, and appoint another Treasurer or Treasurers in the Room or Stead of the Treasurer or Treasurers who shall be so removed, or who shall die or refuse to act, such Treasurer or Treasurers being either some established Banking Firm in the said Borough of *Stoke-upon-Trent*, or some other proper Person or Persons residing in the said Borough; and it shall be lawful for the said Commissioners from Time to Time to nominate and appoint a Clerk, and also to nominate and appoint any Two or more Persons being liable to be rated for the Purposes of this Act to be the Auditors of the Accounts of Receipts and Expenditure of such Monies, and also from Time to Time to remove any such Clerk, or any or either of such Auditors, and to nominate and appoint any other or others in their Place or Stead; and also from Time to Time to nominate and appoint any Person or Persons to be Assessor or Assessors of the Rates to be raised for the Purposes of this Act, and also from Time to Time to nominate and appoint any Person or Persons to be the Collector or Collectors of the Rates or Assessments under this Act, and also from Time to Time to remove any such Assessor or Collector, and to appoint another Person in the Place or Stead

For Appointment of Treasurer and other Officers by the Commissioners.

of the Person so removed; and every such Collector shall weekly or oftener pay over to the Treasurer for the Time being all such Monies as shall come to his Hands by virtue of his said Office; and such Treasurer shall from Time to Time pay to such Clerk, Assessors, and Collectors respectively such Compensation for their Services, and shall retain to his own Use such Compensation for his own Services, as such Commissioners shall under their Hands order and direct.

Security to be taken from the Treasurer and other Officers.

XVI. And be it further enacted, That every Person who shall be appointed Treasurer for the Purposes of this Act, and also every Person who shall be appointed such Collector as aforesaid, shall, by himself and One or more sufficient Surety or Sureties, to be approved of by the said Commissioners, before entering on the Duties of his Office, enter into a Bond or Recognizance to Her Majesty, Her Heirs or Successors, in a sufficient Sum for the due and faithful Discharge of the Duties of such Office, and for the due and punctual Payment of all Monies pursuant to the Directions herein contained; and the same may be sued for in any Court of Record; and all Monies that shall be recovered and received under or by virtue of any such Bonds or Recognizances shall be paid over to the Treasurer for the Time being under this Act.

Offices of Treasurer and Clerk not to be held by the same Person.

XVII. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be Clerk in the Execution of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster* by Action of Debt or upon the Case.

Officers to account.

XVIII. And be it further enacted, That all Collectors and other Officers to be appointed for the Purposes of this Act shall, under their Hands, within Fourteen Days after the Twenty-fourth Day of

of *June* and the Twenty-fifth Day of *December* in every Year, or at such other Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to their Clerk, true and perfect Accounts in Writing of all Monies which shall have been received by them respectively by virtue of or for the Purposes of this Act; and if any such Officer shall, for the Space of Ten Days next after Notice in Writing signed by any Two of the said Commissioners, or by their Clerk, requiring him so to do (to be given to or left at the last or usual Place of Abode of such Officer), refuse or wilfully neglect to make and render such Accounts as aforesaid, or to make due Payment to the Treasurer for the Time being under this Act, or shall refuse or neglect to deliver to the said Commissioners, or to their Clerk, all Books, Vouchers, Papers, Writings, and Effects in his Custody or Power relating to the Execution of this Act, or to give sufficient Information to the said Commissioners or their Clerk respecting the same, it shall be lawful for any Justice of the Peace for the County of *Stafford* and he is hereby authorized and empowered to summon the Officer so refusing or making default as aforesaid to appear before him, and upon his Appearance, or having been summoned and not appearing, (except on some reasonable Cause for Delay, to be allowed by such Justice,) to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer, or shall be unaccounted for by him, such Justice may and he is hereby authorized and required, upon Nonpayment thereof to the Treasurer for the Time being as aforesaid, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, together with the Costs and Charges of such Complaint, Distress, and Sale; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money and Charges aforesaid, or if it shall be proved to the said Justice, after such Summons as aforesaid, that such Officer shall have refused or wilfully neglected to render or give such Account, or to produce and deliver up all such Books, Vouchers, Papers, Writings, or Effects in manner aforesaid, then and in any of the said Cases such Justice may commit such Offender to any Common Gaol in or for the County of *Stafford*, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account as aforesaid, and shall have paid such Money and shall have delivered up such Books, Vouchers, Papers, Writings, and Effects as aforesaid, or until he shall have given Satisfaction in respect thereof, to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison on that account for any longer Term than Six Calendar Months; provided also, that if any Money shall be due from such Officer, his Commitment to Prison as aforesaid shall not be deemed a Discharge for the same, nor exonerate the Surety or Sureties of such Officer, but such Officer, and his Surety or Sureties, shall remain liable to the Payment

ment thereof in the same Manner as if such Officer had not been committed to Prison.

Representatives
of deceased
Officers to
account.

XIX. And be it further enacted, That in case of the Death of any Clerk, Treasurer, Collector, or other Officer appointed for the Purposes of this Act before he shall have duly paid over all the Monies which he shall have received by virtue of this Act, the Executors or Administrators of such deceased Officer shall pay the same in the due Course of Administration, out of the Estate and Effects of such Officer, into the Hands of the Treasurer for the Time being under this Act, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up to the said Commissioners, or Person or Persons by them appointed to receive the same, all Books, Papers, Vouchers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Non-payment of such Monies, or the Non-delivery of such Books, Papers, Vouchers, Writings, and Things, for the Space of Ten Days after due Demand made thereof in Writing, it shall be lawful for the Treasurer for the Time being to commence and prosecute or cause to be commenced and prosecuted an Action or Actions in any of Her Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Vouchers, Writings, and Things: Provided also, that the Surety or Sureties of such deceased Officer shall not be exonerated from the Liability to pay or make good the Balance of any Monies remaining due from such Officer, but shall remain liable to the Payment thereof in the same Manner as if such Officer were still alive, and as if such Action or Actions had not been commenced or prosecuted against his Executors or Administrators.

Treasurer's
Account to be
audited and
published.

XX. And be it further enacted, That the Treasurer for the Time being acting under this Act shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid, and the Books containing the Accounts shall at all reasonable Times be open to the Inspection of the said Commissioners and the Auditors herein directed to be appointed; and all the Accounts, with all the Vouchers and Papers relating thereto, shall in the Month of *January* in every Year be submitted by the Treasurer to the Auditors herein-before directed to be appointed for the Purpose of being examined and audited for the Year then preceding; and if the said Accounts shall be found to be correct the Auditors shall sign the same, and shall, together with the said Treasurer, make out in Writing a full Abstract of the said Accounts for such Year, and sign the same, and cause a true Copy thereof to be published in some Newspaper or Newspapers printed or circulated in the said Borough, and the Expences thereof (to be certified by the said Auditors) shall be paid by the Treasurer, and allowed in his Accounts; and in case

of the Removal of such Treasurer, such Accounts and Matters from the Period of the last preceding annual Audit to the Time of such Removal shall be in like Manner submitted and audited immediately upon or after Removal; and the Balance of Monies in the Hands of the Treasurer so removed shall within One Month after such Removal be paid over by him to the Treasurer then acting under this Act, and in default of such Payment the same shall be levied and recoverable by Distress and Sale, in like Manner as any Penalty or Forfeiture may be levied or recovered under this Act.

XXI. And be it further enacted, That an annual Account in abstract shall be prepared of the total Receipts and Expenditure of all Funds to be levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly audited, and certified by Five or more of the said Commissioners; and a Copy of such annual Account shall be transmitted, free of Charge, to the Clerk of the Peace for the said County of *Stafford* on or before the First Day of *March* in each Year; and in case of Neglect the said Commissioners shall for each Offence forfeit and pay the Sum of Ten Pounds, to be recovered, levied, and applied in like Manner as any Penalty or Forfeiture may under the Powers or Provisions of this Act be recovered, levied, and applied; and such Clerk of the Peace shall be entitled to a Fee of Five Shillings for receiving such Copy; and the same shall at all reasonable Times be open to the Inspection of the Public, on Payment of a Fee of One Shilling, and the further Fee of One Shilling for every Hour of every such Inspection.

Abstract of Accounts to be transmitted to the Clerk of the Peace, and be open to Inspection.

XXII. And be it further enacted, That it shall be lawful for the Assessor or Assessors to be appointed by virtue of this Act, from Time to Time, as often as he or they shall be required so to do by the said Commissioners, to inquire into and ascertain the Amount of the yearly Value of the several and respective Premises authorized to be rated or assessed by virtue of this Act; and for such Purposes it shall and may be lawful for the said Assessor or Assessors, from Time to Time and at all convenient Times, to inspect or take Copies of or Extracts from any of the Rates or Assessments made for the Relief of the Poor of the several Parishes, Townships, or Places within the Limits of this Act, which Inspections, Copies, and Extracts the Person or Persons having the Custody of such Rates or Assessments is and are hereby required to permit and suffer to be made without Fee or Reward; and in Case such Person or Persons shall neglect or refuse so to do, he or they shall for every such Offence forfeit and pay the Sum of Ten Pounds, to be recovered, in case of Nonpayment, on Information of any such Assessor, or of any Householder liable to be rated for the Purposes of this Act, before One or more Justice or Justices of the Peace for the said County, who is and are hereby authorized and empowered to hear and decide upon the Information, and to issue his or their Warrant under his Hand and Seal or their Hands and Seals against the Goods and Chattels of the Party offending and convicted; and thereupon such Penalty, and the Costs and Charges of the Information and Conviction, shall be levied by Distress and Sale of such Goods and Chattels; and the

Assessors to make Valuations of Premises to be rated.

Overplus (if any) of the Money raised by such Distress and Sale shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained; and such Penalty shall be paid into the Hands of the Treasurer under this Act, and applied in aid or reduction of the said Rates or Assessments; and every such Assessment made by such Assessor or Assessors shall be by such Assessor or Assessors entered in a Book or Books, and shall specify the Amount of the yearly Value of such several and respective Premises, the Names of the Occupiers liable to be rated, and a sufficient Description of the Premises, and such other Particulars as the said Commissioners shall require to be specified for enabling them to make a just and equitable Pound Rate or Assessment on the Occupiers thereof for the Purposes of this Act; and such Assessments so entered in such Book or Books shall be signed by such Assessor or Assessors, and the same, or a Copy or Copies thereof respectively, certified by such Assessor or Assessors to be a true Copy or true Copies respectively, signed by such Assessor or Assessors, shall be by such Assessor or Assessors delivered to the said Commissioners; and it shall be lawful for the said Commissioners to make any Amendment or Alteration which they shall consider necessary in any such Valuation, upon such Evidence as they shall consider satisfactory; and such Valuation, when approved by the said Commissioners, shall be signed by them, or any Five or more of them; and the Expences of making the same Valuations (to be allowed by the said Commissioners under their Hands) shall be paid by the Treasurer out of the Monies received by virtue of this Act.

Rates to be made.

XXIII. And be it further enacted, That for raising the Monies necessary from Time to Time for Payment of the Salary of the Justice to be appointed under this Act, and of the Clerks, Treasurer, and other Officers to be appointed as aforesaid, and for Payment of the Expences of applying for, obtaining, and passing this Act, (together with lawful Interest for any Money which shall have been advanced and paid for such Expences from the Time of advancing the same,) and also for Payment of the Charges and Expences of carrying this Act and the Purposes thereof into execution, it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time, when and so often as shall be necessary, to make or charge or levy, or cause to be made or charged or levied, a just and equitable Pound Rate or Assessment upon all and every the Persons and Person who for the Time being shall inhabit, use, or occupy any House, Shop, Warehouse, Manufactory, Mill, Steam Engine, Lime Kiln, Brick Kiln, Slip-house, Stable, Coach-house, Barn, Shed, Cellar, Vault, Counting-house, Office, and other Building, or any Curtilage, Yard, Garden, Orchard, and Wharf, within the Limits of this Act: Provided nevertheless, that the Rate or Assessment for the first Two Years after the passing of this Act shall not (except as herein-after mentioned) exceed the Sum of Four-pence in the Pound in any One Year, and afterwards such Rates or Assessments shall not (except as herein-after mentioned) exceed in any one Year the Sum of Two-pence in the Pound, upon the Valuation made by the Assessor or Assessors and approved as aforesaid; and the Rates or Assessments to be made by the said Commis-

sioners

sioners by virtue of this Act shall be entered in a Book or Books, and shall be signed by the said Commissioners, or any Five or more of them, and a Copy of such Rates or Assessments, signed by any Five or more of the said Commissioners, shall be delivered to the Collector or Collectors of such Rates or Assessments; and all such Rates or Assessments shall be payable and paid to the Collector or Collectors to be appointed by virtue of this Act by the Occupiers of the several and respective Premises so rated or assessed; and every Collector receiving any such Rate or Assessment shall on Receipt of each Payment make an Entry of such Receipt or Payment in the Copy so to be delivered to him as aforesaid.

XXIV. 'And whereas it may be necessary to defray the Costs and Expences of purchasing, erecting, or providing Rooms, Lock-up Houses, and other Buildings, Offices, and Land for the Purposes of this Act as aforesaid;' be it therefore further enacted, That it shall be lawful for the said Commissioners to increase to any Extent not exceeding the further Sum of Sixpence in the Pound altogether, nor Two-pence in the Pound in any One Year, the Rate or Charge on the Occupiers of rateable Property within the respective Divisions wherein any such Rooms, Lock-up Houses, Buildings, Offices, or Land shall be deemed requisite by the said Commissioners to be provided for the Purposes aforesaid, and wherein any Twenty or more of the Inhabitants liable to be rated or assessed as aforesaid shall make any such Application or Requisition as herein-before mentioned: Provided always, that no such increased Rate shall be made or assessed after the Expiration of Two Years from the passing of this Act.

Rates may be increased in certain Districts for erecting Offices.

XXV. Provided always, and be it further enacted, That no Rate or Assessment whatsoever shall be made in pursuance of this Act upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House which shall be under the actual annual Value of Four Pounds, nor upon any Person or Persons whomsoever in respect of the *North Staffordshire* Infirmary, nor for or in respect of any Town Hall, Court House, Police Office, or any public Market or Market House, (held upon public Trusts, and not for the Benefit of private Individuals,) or any Buildings, Stalls, Shambles, Bults, Sheds, or other Conveniences which now are or hereafter may be erected or set up for the Use and Convenience of any such public Market, nor for or in respect of any Church or Chapel, or any School, Institution, or Building, held upon public Trusts, and appropriated exclusively for the Purposes of Religious Worship, Charity, Education, or Science.

Exemption from Rates.

XXVI. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Property subject to the Payment of the said Rates, to mitigate, reduce, lessen, remit, or excuse Payment of the said Rates, or any Part thereof, for or on account of actual Poverty or Inability to pay the same.

Rates may be reduced, &c. on account of Poverty.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to amend any Rate or Assessment to be made by virtue of this Act by inserting therein the

Assessments may be amended.

the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will in the Judgment of the said Commissioners make such Rate or Assessment more equal, just, and conformable to the true Intent and Meaning of this Act; but no such Amendment or Alteration so to be made in any such Rate or Assessment shall be held to vitiate the same; and such Amendments or Alterations shall be certified under the Hands of Five or more of the said Commissioners.

Apportionment
of Rates on
Removal, &c.

XXVIII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House or Premises rated or assessed or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House or Premises rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment (although his, her, or their Name or Names may not be inserted in such Rates or Assessments) in proportion to the Time that such Person or Persons shall occupy the same, and in like Manner as if he, she, or they had been originally rated or assessed by Name for such House or Premises; which said respective Proportions, in case of Dispute, shall be ascertained and settled by the said Commissioners.

Recovery of
Rates.

XXIX. And be it further enacted, That in case any Person or Persons who shall be rated or assessed or subject or liable to the Payment of any Rate or Assessment to be made and assessed as aforesaid shall refuse or neglect to pay his, her, or their Proportion or Proportions as aforesaid of any of the said Rates or Assessments to any Collector or Collectors to be appointed as aforesaid for the Space of Ten Days next after personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Justice or Justices of the Peace of the said County of *Stafford*, upon Proof made upon Oath of such Demand and Nonpayment, (which Oath any such Justice or Justices is and are hereby empowered and required to administer,) to issue a Summons for the Appearance of the Person or Persons so refusing or neglecting as aforesaid before him on a Day and Hour to be specified in such Summons, and upon such Appearance, or in case of Non-appearance of the Party summoned at the Hour appointed, then, on Proof of the Service of the Summons, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, (which he and they is and are hereby empowered to grant,) to authorize and direct the said Collector or Collectors to levy such Rate or Monies so in arrear, together with the Costs and Charges attending

attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any), upon Demand, to the Owner or Owners of the said Goods and Chattels.

XXX. And be it further enacted, That Duplicates of all Rates and Assessments made, allowed, and signed by virtue of this Act shall be deposited with the Clerk for the Time being of the Justice to be appointed by virtue of this Act, who shall permit any Person rated by virtue of this Act to inspect the same at all reasonable Times upon Payment of the Sum of Sixpence, and the further Sum of One Shilling for every Hour of such Inspection, and every Person making such Payments shall be entitled to take Copies of or Extracts from any such Rates or Assessments without being subject to any further Charge; but in case any Demand shall be made for a Copy or Extract thereof, then the Clerk of the said Justice shall, within as short a Space of Time after the making any such Demand as shall be absolutely requisite for making the same, make or cause to be made ready to be delivered a true Copy of all or any Part of such Rates or Assessments to any Persons rated as aforesaid, on being compensated and paid for the making of such Copy after the Rate of Sixpence for every One hundred Words or Figures thereof, and so in proportion for any greater or less Number of Figures or Words; and such Compensation shall not be accounted for as Fees, but shall be retained by such Clerk for his own Use.

Assessments
may be in-
spected.

XXXI. And be it further enacted, That every such Book of the Valuations and Rates or Assessments, and every such Copy thereof, and the several Entries therein, signed or certified pursuant to the Directions of this Act, shall be received by all Judges, Justices, and others as Evidence of the Rates and Assessments imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by any such Entries appear to have been paid to such Collector or Collectors.

Rate Books,
&c. duly signed
to be Evidence.

XXXII. And for the Purpose of facilitating the Collection and Receipt of the Rates to be made by virtue of this Act, be it further enacted, That it shall be lawful for the Commissioners acting in execution of any Act passed or to be passed for the Purpose of watching or lighting or improving or regulating the Police in any Division of the District to which the Jurisdiction of the Stipendiary Justice to be appointed by virtue of this Act is by this Act limited to appropriate, out of the Monies to be by such last-mentioned Commissioners respectively raised in such Divisions respectively by Rates on Occupiers of Property liable to be rated by virtue of this Act within such Divisions respectively, any Sum or Sums of Money not exceeding the full Amount of such Sum as shall from Time to Time be assessed under any Rate to be made by virtue of this Act upon such rateable Property within any such Division, and to pay the same to the Collector or Collectors of the Rates under this Act within the same Division; and every such Payment shall be deemed and taken to be and is hereby declared to be in lieu of the Collection of the same Rate under this Act within the Division for which such Payment shall be made, and which thereupon shall not be collected therein, any thing in
this

Provision for
Payment of
Rates out of
Police Rates in
certain Cases.

this Act contained to the contrary notwithstanding; and such Payment so to be made by the Commissioners of any such Division as aforesaid to the Collector or Collectors of the Rates under this Act within the same shall be in satisfaction of such respective Rates, and shall be applied for the Purposes of this Act accordingly.

How Penalties, Forfeitures, and Fines are to be recovered and applied.

XXXIII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed, the Manner of levying, recovering, and applying of which is not herein otherwise particularly directed, shall, upon Proof of the Offence or Offences respectively before any Justice or Justices of the Peace for the said County of *Stafford*, either by the Confession of the Party or Parties offending, or by the Oath or Affirmation of One or more credible Witness or Witnesses, (which Oath or Affirmation such Justice or Justices is and are hereby empowered and required to administer,) together with all such Costs, Charges, and Expences as such Justice or Justices respectively shall adjudge and determine to be fair and reasonable and proper to be allowed, and which he and they is and are hereby authorized and empowered to ascertain and determine accordingly, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant; and the Overplus, after deducting such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and if sufficient Distress cannot be found, and such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required to direct the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, (such Day or Days not being more than Seven Days from the Time of taking any such Security,) and which Security the said Justice or Justices is or are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, and such Penalties, Forfeitures, and Fines shall not be paid, or in case it shall appear to the Satisfaction of any such Justice or Justices that he hath not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for the said Justice or Justices of the Peace as aforesaid, or any other Justice or Justices of the Peace for the said County, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties,

Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XXXIV. Provided always, and be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

XXXV. Provided also, and be it further enacted, That no Person shall be subject or liable to the Payment of any Penalty or Forfeiture imposed by this Act after the Expiration of Six Calendar Months next after the Offence committed, unless some Information or Proceedings shall have been laid or had before the Expiration of such Time.

Proceedings to be commenced within Six Months.

XXXVI. And be it further enacted, That all Fines, Penalties, and Forfeitures which shall be imposed by any Stipendiary Justice to be appointed by virtue of this Act, either alone or together with any other Justice or Justices of the Peace for the said County, which are or shall be by any Act limited and made payable to Her Majesty, or to any Person whomsoever, save and except the Informer who shall sue for the same, or any Party aggrieved, shall, notwithstanding any thing in any such Act contained, be recovered for and adjudged to be paid to the Treasurer to be appointed under this Act, and shall be applied in aid or reduction of the Rates or Assessments by this Act authorized to be made: Provided always, that nothing herein contained shall extend to any Penalties or Forfeitures to be recovered under any Act relating to the Customs, Excise, or Post Office, or to Trade or Navigation, or any Branch of Her Majesty's Revenue.

Penalties to be paid to the Treasurer.

XXXVII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever an Information shall be taken in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Forms of Information and Conviction:

' Stafford } BE it remembered, That on the Day of
' to wit. } A. B. of informeth me, One
' of Her Majesty's Justices of the Peace for the County of Stafford,
' that E. F. of [here describe the Offence, and the Time
' and Place when and where committed], contrary to an Act passed
' in the Second Year of the Reign of Her Majesty Queen Victoria,
' intituled [here insert the Title of this Act], which hath imposed
' a Forfeiture of for the said Offence. Taken the
' Day of before me,

Form of Information.

' Stafford

Form of Con-
viction.

‘ *Stafford* } **BE** it remembered, That on the _____ Day of
‘ to wit. } _____ in the Year of our Lord
‘ *A. B.* is convicted before me, One [*or us, Two*] of Her Majesty’s
‘ Justices of the Peace for the County of *Stafford* [*here describe*
‘ *the Offence, and the Time and Place when and where committed*],
‘ contrary to an Act passed in the Second Year of the Reign of
‘ Her Majesty Queen *Victoria*, intituled [*here insert the Title of*
‘ *this Act*]. Given under my Hand and Seal [*or our Hands and*
‘ Seals] the Day and Year first above written.’

Witnesses may
be summoned.

XXXVIII. And be it further enacted, That it shall be lawful for the Justice to be appointed by virtue of this Act to issue his Summons requiring any Person to appear before him for the Purpose of giving Evidence touching any Matter cognizable by such Justice either alone or together with any other Justice or Justices; and if any Person served with such Summons, either personally or by leaving a true Copy thereof at his or her Dwelling House or usual Place of Abode, shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his or her Absence shall be proved before the Justice or Justices then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined upon Oath or Affirmation by such Justice or Justices touching any such Matter, every Person so offending shall, on Conviction thereof before the said Justice or Justices, forfeit and pay such Sum of Money not exceeding Five Pounds as to the convicting Justice or Justices shall seem meet; and no Person, although liable to contribute to the Rates under this Act, shall be deemed an incompetent Witness by reason of any Penalty, Forfeiture, or Fine being applicable to the Purposes of this Act, and no Justice shall in any Case be disabled from acting in the Execution of this Act by reason of his being liable to contribute to such Rates as aforesaid.

Appeal may be
made to the
Quarter Ses-
sions.

XXXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Person and Persons may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Stafford*, the Person or Persons appealing having first given at least Twenty-one Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Collector or Collectors, or to the Clerk to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded at such Sessions; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County,

County, and if they see Cause may mitigate any Penalty, Forfeiture, or Fine, and may order any Money to be returned which shall have been paid by any Person or Persons so appealing, or which shall have been levied in pursuance of such Order, Judgment, or Determination of the said Commissioners or Justices, and shall and may also award such further Satisfaction to be made to the Party injured, or such Damages and Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever; and in all such Appeals against the said Rates or Assessments, or against any Alteration therein, the said Collector or Collectors shall be Respondent or Respondents, and no Person shall be incompetent to be examined as a Witness upon any Appeal by reason of his or her being a Rate-payer under this Act; and all such Restitution, Damages, and Costs as shall be so awarded on any Appeal in respect of the said Rates or Assessments against the Party appealing shall be paid to the Collector or Collectors (and upon Nonpayment shall be recoverable by Distress and Sale as for Rates in arrear), and shall be by him or them paid over to the Treasurer for the Purposes of this Act; and all such Damages and Costs as shall be awarded on any Appeal in respect of such Rates or Assessments against the Respondent or Respondents shall be reimbursed to him or them by the said Treasurer, together with all proper Costs and Charges to be incurred in defending such Appeal, or in relation thereto: Provided always, that no Rate or Assessment shall be quashed for Want of Form only, nor shall any such Appeal be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

XL. Provided always, and be it further enacted, That on any Appeal against any Rate or Assessment to be made or imposed under the Authority of this Act the Justices at the General or Quarter Sessions of the Peace at which such Appeal shall be made shall and they are hereby empowered to amend such Rate or Assessment in such Manner as they may consider necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing such Rate or Assessment, and without altering the same with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be considered necessary to set aside the same, then and in every such Case it shall be lawful for the said Justices so to do, and to order a new Rate or Assessment to be made in lieu thereof in manner herein-before directed.

Quarter Sessions may alter Assessments, or quash and order new ones.

XLI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

C A P. XVI.

An Act for improving the Practice and Proceedings of the Court of Pleas of the County Palatine of *Durham* and *Sadberge*. [14th June 1839.]

‘ WHEREAS various Alterations and Improvements have recently been made, by the Authority of Parliament and otherwise, in the Practice and Proceedings of the Superior Courts of Common Law at *Westminster*, and in the Court of Common Pleas of the County Palatine of *Lancaster*, and it is expedient that similar Alterations and Improvements should be effected in the Practice and Proceedings of the Court of Pleas of the County Palatine of *Durham* and *Sadberge* :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Process in all Actions hereafter to be prosecuted in the Court of Pleas at *Durham* by serviceable Process shall, whether the Action be brought by or against any Person entitled to the Privilege of Peerage or of Parliament, or of the said Court or of any other Court, or to any other Privilege, or by or against any other Person, be according to the Form contained in the Schedule to this Act annexed, marked Number 1, and shall be called a Writ of Summons; and in every such Writ and Copy thereof the Place of Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall be or supposed to be, shall be mentioned; and such Writ shall be issued in the first instance by the Prothonotary of the said Court of Pleas of *Durham*, or his Deputy, and shall be served in the Manner heretofore used in the County Palatine of *Durham* and *Sadberge*, and not elsewhere; and the Person serving the same shall and is hereby required, within Three Days after Service thereof, to indorse on the Writ the Day of the Month and Week of the Service thereof.

Serviceable
Process for the
Commencement
of personal
Actions.

II. And be it enacted, That the Mode of Appearance to every such Writ of Summons issued under the Authority of this Act shall be by delivering to the said Prothonotary or his Deputy a Memorandum in Writing, dated on the Day of Delivery thereof, according to the Form contained in the said Schedule, and marked No. 2.

Mode of Ap-
pearance to
serviceable
Process.

III. And be it enacted, That in case it shall be made appear, by Affidavit to the Satisfaction of the said Court of Pleas at *Durham*, that any Defendant has not been personally served with any such Writ of Summons as herein-before mentioned, and has not, according to the Exigency of such Writ, appeared to the Action, and cannot be compelled so to do without some more efficient Process, then and in any such Case it shall be lawful for such Court, by Rule or Order, to order a Writ of Distringas to be issued, directed to the Sheriff of the said County of *Durham*, or to any other Officer to be named in such Rule or Order, to compel the Appearance of such Defendant, which Writ of Distringas shall be in the Form and with the Notice subscribed thereto mentioned in the said Schedule, and marked Number 3, which Writ of Distringas and Notice, or a Copy thereof, shall be served on such Defendant

Appearance
may be enforced
by a Writ of
Distringas in
case a Defen-
dant cannot be
served with the
Writ of Sum-
mons.

Defendant if he can be met with, or if not, shall be left at the Place where such Distringas shall be executed; and a true Copy of every such Writ and Notice shall be delivered together therewith to the Sheriff or other Officer to whom such Writ shall be directed; and every such Writ shall be made returnable on a Day certain to be named therein, not being less than Fifteen Days after the Teste thereof; and if such Writ of Distringas shall be returned Non est inventus and Nulla bona, and the Party issuing out such Writ of Distringas shall not intend to proceed to Outlawry or Waiver, according to the Authority herein-after given, and any Defendant against whom such Writ of Distringas issued shall not appear at or within Eight Days inclusive after the Return of such Writ of Distringas, and it shall be made appear, by Affidavit to the Satisfaction of the said Court, that due and proper Means were taken and used to serve and execute such Writ of Distringas, it shall be lawful for such Court to authorize the Party suing out such Writ of Distringas to enter an Appearance for such Defendant, and to proceed thereon to Judgment and Execution.

IV. And be it enacted, That upon the Return of Non est inventus as to any Defendant against whom any Writ of Capias shall have been issued under and by virtue of an Act of Parliament made and passed in the First and Second Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England*, and also upon the Return of Non est inventus and Nulla bona as to any Defendant against whom such Writ of Distringas as herein-before mentioned shall have issued, whether such Writ of Capias or Distringas shall have issued against such Defendant only, or against such Defendant and any other Person or Persons, it shall be lawful, until otherwise provided for, to proceed to outlaw or waive such Defendant by Writs of Exigi, Facias, and Proclamation, and otherwise, in such and in the same Manner as may now be lawfully done upon the Return of Non est inventus to a Pluries Writ of Capias ad respondendum issued after an original Writ: Provided always, that every such Writ of Exigent, Proclamation, and other Writ subsequent to the Writ of Capias or Distringas, shall be made returnable on a Day certain to be named therein; and every such first Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the Writ of Capias or Distringas; and every subsequent Writ of Exigent and Proclamation shall bear Teste on the Day of the Return of the next preceding Writ; and no such Writ of Capias or Distringas shall be sufficient for the Purpose of Outlawry or Waiver, if the same be returned within less than Fifteen Days after the Delivery thereof to the Sheriff or other Officer to whom the same shall be directed.

V. And be it enacted, That after Judgment given in any Action commenced by Writ of Summons under the Authority of this Act, Proceedings to Outlawry or Waiver may be had and taken, and Judgment of Outlawry or Waiver given, in such Manner and in such Cases as may now be lawfully done after Judgment in an

Proceedings to
Outlawry.

1 & 2 Vict.
c. 110.

Proceedings to
Outlawry may
be had after
Judgment given
under the Au-
thority of this
Act.

Action commenced by original Writ: Provided always, that every Outlawry or Waiver had under the Authority of this Act shall and may be vacated or set aside by Writ of Error or Motion, in like Manner as Outlawry or Waiver founded on an original Writ may now be vacated or set aside.

Duration of Writs of Summons.

Provision as to the Statute of Limitations.

VI. And be it enacted, That no Writ of Summons issued by Authority of this Act shall be in force for more than Four Calendar Months from the Day of the Date thereof, including the Day of such Date; but every Writ of Summons may be continued by Alias and Pluries, as the Case may require, if any Defendant therein named may not have been served therewith: Provided always, that no first Writ shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, unless the Defendant shall be served therewith, or Proceedings to or towards Outlawry shall be had thereupon, or unless such Writ, and every Writ (if any) issued in continuation of a preceding Writ, shall be returned *Non est inventus*, and entered of Record within One Calendar Month next after the Expiration thereof, including the Day of such Expiration, and unless every Writ issued in continuation of a preceding Writ shall be issued within One such Calendar Month after the Expiration of the preceding Writ, and shall contain a Memorandum indorsed thereon, or subscribed thereto, specifying the Day of the Date of the first Writ, by the Plaintiff or his Attorney suing out the same.

Proceedings on Writ of Summons, &c.

Proviso for Sunday, &c.

VII. And be it enacted, That when any Writ of Summons shall be served or executed all necessary Proceedings to Judgment and Execution may be had thereon without Delay at the Expiration of Eight Days from the Service or Execution thereof; provided always, that if the last of such Eight Days shall in any Case happen to fall on a *Sunday, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, in any of such Cases the following Day shall be considered as the last of such Eight Days.

Date and Tests of Writs.

Indorsement of the Name, &c. of the Attorney or Party suing.

VIII. And be it enacted, That every Writ of Summons shall bear Date on the Day on which the same shall be issued; and every Writ of Summons, Distringas, and all other Writs hereafter to be issued out of the said Court of Pleas at *Durham* shall be tested in the Name of the Senior Judge, or in case of the Death of such Senior Judge, then in the Name of the Junior Judge, of the then last Assize of and for the said County; and that the Name or Firm, and the Place of Business or Residence, of the Attorney or Attornies issuing such Writs shall be indorsed thereon; and where such Attorney or Attornies shall be Agents only, then there shall be further indorsed thereon the Name or Firm and Place of Business or Residence of the Principal Attorney or Attornies; but in case no Attorney or Attornies shall be employed for that Purpose, then a Memorandum shall be indorsed thereon, expressing that the same has been sued out by the Plaintiff in Person, mentioning the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of such Plaintiff's Residence, if any such there be.

Service of Writ of Summons on

IX. And be it enacted, That every such Writ of Summons issued against a Corporation Aggregate may be served on the

Mayor or other Head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary, of such Corporation; and every such Writ issued against the Inhabitants of a Hundred or other like District may be served on the High Constable thereof, or any one of the High Constables thereof; and every such Writ issued against the Inhabitants of the County of *Durham*, or the Inhabitants of any Franchise, Liberty, Town, or Place, not being Part of a Hundred or other like District, on some Peace Officer thereof.

Corporations and on Inhabitants of Hundreds and Towns.

X. And be it enacted, That all such Proceedings as are mentioned in any Writ, Notice, or Warning to be issued as aforesaid under this Act shall and may be had and taken in default of a Defendant's Appearance.

Proceedings in default of Appearance.

XI. Provided always, and be it enacted, That nothing in this Act contained shall subject any Person to Outlawry or Waiver who, by reason of any Privilege, Usage, or otherwise, may now by Law be exempt therefrom, or shall extend, save and except as herein-after is provided for, to any Cause removed into the said Court by Writ of *Pone loquelam*, *Recordari facias loquelam*, or otherwise.

Proviso for Persons privileged from Outlawry.

XII. And be it enacted, That from the Time when this Act shall commence and take effect the Writs herein-before authorized shall be the only Writs for the Commencement of personal Actions in the said Court by serviceable Process against the Person in the Cases to which such Writs are applicable.

Writs for Commencement of personal Actions.

XIII. And be it enacted, That it shall be lawful for the Parties in any Action depending or to be depending in the said Court of Pleas at *Durham*, after Issue joined, by Consent and by Order of the said Court, to state the Facts of the same in the Form of a Special Case for the Opinion of One of the Superior Courts of Common Law at *Westminster*, and to agree that a Judgment shall be entered for the Plaintiff or Defendant, by Confession or *Nolle prosequi*, immediately after the Decision of the Case, or otherwise, as the Court before whom such Case shall be heard may think fit, and Judgment shall be entered accordingly.

Power to state a Special Case without proceeding to Trial.

XIV. And be it enacted, That it shall and may be lawful for the said Court of Pleas at *Durham*, if the said Court shall think fit, on any Application being made to the said Court in any Action depending in the said Court on any Question involving a Question of Law or Fact, to grant a Rule to show Cause before any One of the Judges of any One of the Superior Courts of Common Law at *Westminster*, which Judge is hereby authorized and empowered to proceed to hear and determine the Merits of all such Rules, and to make such Orders thereupon as the said Judge shall think proper.

Rule Nisi may be made to show Cause before One of the Judges at Westminster.

XV. And be it enacted, That it shall and may be lawful for the Justices of the said Court of Pleas at *Durham* for the Time being from Time to Time to make such Orders, Rules, and Regulations for altering and regulating the Mode and Time of pleading in that Court, and for altering the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law therein, and touching the voluntary Admission, upon any Application for that Purpose, at a reasonable Time before the Trial of any Action, of one of the Parties to the other, of all such written or printed Documents or Copies of Documents as are intended

Justices to have Power to make Rules and Regulations for altering and regulating the Mode and Time of pleading, &c.

to be offered in Evidence on the said Trial by the Party requiring such Admission, and touching the Inspection thereof before such Admission is made, and touching the Costs which may be incurred by the Proof of such Documents or Copies on the Trial of the Cause, in case of the omitting to apply for such Admission, or the not producing of such Documents or Copies for the Purpose of obtaining Admission thereof, or of the Refusal to make such Admission, as the Case may be, as to the Judge before whom the Cause may be tried shall seem meet.

Writs of Inquiry under the Statute 8 & 9 W. 3. c. 11. to be executed before the Sheriff, unless otherwise ordered.

XVI. And be it enacted, That all Writs hereafter to be issued by the Court of Pleas at *Durham* under and by virtue of the Statute passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for the better preventing frivolous and vexatious Suits*, shall, unless the said Court shall otherwise order, direct the Sheriff of the said County of *Durham* to summon a Jury to appear before him instead of the Justices or Justice of Assize of and for the said County, to inquire of the Truth of the Breaches suggested, and assess the Damages that the Plaintiff shall have sustained thereby, and shall command the said Sheriff to make Return thereof to the said Court on a Day certain in such Writ to be mentioned; and such Proceedings shall be had after the Return of such Writ as are in the said Statute in that Behalf mentioned, in like Manner as if such Writ had been executed before a Justice of Assize or Nisi Prius.

Return of other Writs of Inquiry.

XVII. And be it enacted, That every other Writ of Inquiry to be issued by the said Court of Pleas at *Durham* shall be made returnable on any Day certain to be named in such Writ.

Power to direct Issues joined in certain Actions to be tried before the Sheriff or any Judge.

XVIII. And be it enacted, That in any Action depending in the said Court of Pleas at *Durham* for any Debt or Demand in which the Sum sought to be recovered and indorsed on the Writ of Summons shall not exceed Twenty Pounds, it shall be lawful for the said Court, or any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, if such Court or Judge shall be satisfied that the Trial of the said Action will not involve any difficult Question either of Law or Fact, and such Court or Judge shall think fit so to do, to order and direct that the Issue or Issues joined shall be tried before the Sheriff of the said County Palatine of *Durham*, or any Judge of any Court of Record for the Recovery of Debt in such County, and for that Purpose a Writ shall issue, directed to the said Sheriff or Judge, commanding him to try such Issue or Issues by a Jury to be summoned by him, and to return such Writ, with the Finding of the Jury thereon indorsed, at a Day certain to be named in such Writ, and thereupon such Sheriff or Judge shall summon a Jury, and shall proceed to try such Issue or Issues.

Upon the Return of a Writ of Inquiry or a Writ of Trial of Issues, Judgment may be signed, unless, &c.

XIX. And be it enacted, That at the Return of every Writ of Inquiry, or Writ for the Trial of such Issue or Issues as aforesaid, Costs shall be taxed, Judgment signed, and Execution issued forthwith, unless the Sheriff or his Deputy before whom such Writ of Inquiry may be executed, or such Sheriff, Deputy, or Judge before whom such Trial shall be had, shall certify under his Hand upon such Writ that Judgment ought not to be signed until the Defendant shall have had an Opportunity to apply to the

said

said Court of Pleas at *Durham* for a new Inquiry or Trial, or the said Court shall think fit to order that Judgment or Execution shall be stayed till a Day to be named in such Order; and the Verdict of such Jury on the Trial of such Issues or Issue shall be as valid and of the like Force as a Verdict of a Jury at the Assizes, and the Sheriff or his Deputy or Judge presiding at the Trial of such Issue or Issues shall have the like Powers with respect to the Amendment on such Trial as are given to Judges at Nisi Prius by an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the further Amendment of the Law, and the better Advancement of Justice.*

3 & 4 W. 4. c. 42.

XX. Provided always, and be it enacted, That, notwithstanding any Judgment signed or Execution issued as aforesaid by virtue of this Act, it shall be lawful for the said Court of Pleas at *Durham*, or any Judge of any of Her Majesty's Superior Courts of Common Law at *Westminster*, to order such Judgment to be vacated and Execution to be stayed or set aside, and to enter an Arrest of Judgment, or grant a new Trial or new Writ of Inquiry, as Justice may appear to require; and thereupon the Party affected by such Writ of Execution shall be restored to all that he may have lost thereby, in such Manner as upon the Reversal of a Judgment by Writ of Error or otherwise, as the Court may think fit to direct.

Judgment may be vacated, Execution stayed, and new Trial granted.

XXI. And be it enacted, That it shall be lawful for the Defendant in all personal Actions, except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation, or debauching of the Plaintiff's Daughter or Servant, by Leave of the said Court of Pleas at *Durham* or One of the Judges of any of Her Majesty's Superior Courts of Common Law at *Westminster*, to pay into Court a Sum of Money by Way of Compensation or Amends, in such Manner and under such Regulations, as to the Payment of Costs and the Form of Pleading, as the said Court or Judge shall, by any Rules or Orders to be from Time to Time made, order and direct.

Defendant to be allowed to pay Money into Court in certain Actions.

XXII. And be it enacted, That the Justices of the said Court of Pleas at *Durham* may, by any Rule or Order to be made from Time to Time after this Act shall take effect, make such Regulations as to the Fees to be charged by all and every or any of the Officers of the said Court of Pleas at *Durham*, and the Attornies thereof, as to them may seem expedient, and alter the same when and as it may seem fit and proper, so as such Fees shall not exceed the Fees now received in the Superior Court of Queen's Bench at *Westminster*; and all such Regulations, after being sanctioned and confirmed by the Judges of the then last Assize for the said County of *Durham*, shall be binding and obligatory on the said Court of Pleas at *Durham*, and all the Officers and Attornies of the said Court.

Courts may regulate the Fees to be taken in the Court of Pleas at *Durham*.

XXIII. And be it enacted, That it shall be lawful for any Party in any Action now depending or hereafter to be depending in the said Court of Pleas at *Durham* to apply, by Motion to any one of the Superior Courts at *Westminster* sitting in Banco, within such Period of Time after the Trial as Motions of the like Kind shall from Time to Time be permitted to be made in the said Superior Court, for a Rule to show Cause why a new Trial should not be

Rules for new Trials to be moved before any of the Courts at *Westminster*.

granted,

granted, or Nonsuit set aside and a new Trial had, or a Verdict entered for the Plaintiff or Defendant, or a Nonsuit entered, as the Case may be, in such Action, which Court is hereby authorized and empowered to grant or refuse such Rule, and afterwards to proceed to hear and determine the Merits thereof, and to make such Orders thereupon as the same Court shall think proper; and in case such Court shall order a new Trial to be had in any such Action the Party or Parties obtaining such Order shall deliver the same, or an Office Copy thereof, to the Prothonotary of the said Court of Pleas at *Durham*, or his Deputy, and thereupon all Proceedings upon the former Verdict or Nonsuit shall cease, and the Action shall proceed to Trial at the next or some other subsequent Session of Assizes holden for the County of *Durham*,* in like Manner as if no Trial had been had therein; or in case the Court before which any such Rule shall be heard shall order the same to be discharged, the Party or Parties obtaining any such Rule may, upon delivering the same, or an Office Copy thereof, to the said Prothonotary or his Deputy, be at liberty to proceed in any such Action as if no such Rule Nisi had been obtained, or if a Verdict be ordered to be entered for the Plaintiff or Defendant, or a Nonsuit is ordered to be entered, as the Case may be, Judgment shall be entered accordingly.

Judgment and Execution not to be stayed, unless the Party moving enter into Recognizance with Sureties.

XXIV. Provided always, and be it enacted, That the entering up of Judgment in any Action in the said Court of Pleas at *Durham*, and the issuing of Execution upon such Judgment, shall not be stayed, unless the Party intending to apply for such Rule as last aforesaid shall, with Two sufficient Sureties such as the last-mentioned Court shall approve of, become bound unto the Party for whom such Verdict or Nonsuit shall have been given or obtained, by Recognizance to be acknowledged in the same Court, or before a Justice thereof, in such reasonable Sum as the said Court shall think fit, to make and prosecute such Application as aforesaid, and also to satisfy and pay, if such Application shall be refused, the Debt or Damages and Costs adjudged and to be adjudged in consequence of the said Verdict or Nonsuit, and all Costs and Damages to be awarded for the delaying of such Execution thereon.

Nothing herein to take away the Power of the Court to grant a new Trial.

XXV. Provided also, and be it enacted, That nothing [herein contained shall prevent the said Court of Pleas at *Durham* from making Order for any new Trial, or setting aside any Nonsuit, or entering a Nonsuit, or altering a Verdict as heretofore; provided the Judges of Assize in and for the said County of *Durham*, when sitting as Judges in the said Court of Pleas, shall be present on the making of such Order as Justices of the said Court, and shall be consenting thereto.

Service of Subpoena on Witnesses in any Part of the United Kingdom shall be valid to compel Appearance.

XXVI. And be it enacted, That the Service of every Writ of Subpoena hereafter to be issued out of the said Court, and served upon any Person residing out of the Jurisdiction of the said Court, shall be as valid and effectual in Law, and shall entitle the Party suing out the same to all and the like Remedies, by Action or otherwise howsoever, as if the same had been served within the Jurisdiction; and in case such Person so served shall not appear according to the Exigency of such Writ, it shall be lawful for the said Court, upon Oath or Affirmation to be taken in open Court,

or

or upon an Affidavit, of the personal Service of such Writ, to transmit a Certificate of such Default, under the Hands of Two of the Justices of the said Court, to the Court of Queen's Bench in *England*, to the Court of Justiciary in *Scotland*, or to the Court of Queen's Bench in *Ireland*, and the said last-mentioned Courts respectively shall and may thereupon proceed against and punish, by Attachment or otherwise, according to the Course and Practice of the said respective Courts, the Person so having made default, in such and the like Manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpœna or other Process issued to compel the Attendance of Witnesses out of such last-mentioned Courts respectively.

XXVII. Provided always, and be it enacted, That neither of the said Courts of Queen's Bench or Court of Justiciary shall in any Case proceed against or punish any Person, nor shall any such Person be liable to any Action, for having made default by not appearing to give Evidence in obedience to any Writ of Subpœna or other Process for that Purpose issued under the Authority of this Act, unless it shall be made appear to the Court that a reasonable and sufficient Sum of Money to defray the Expences of coming to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpœna or other Process was served upon such Person.

Expences of Attendance on Writs of Subpœna shall be tendered to Witnesses.

XXVIII. And be it enacted, That in all Cases where final Judgment shall be obtained in any Action or Suit in the said Court of Pleas at *Durham*, and also in all Cases where any Rule or Order shall be made by the said Court of Pleas at *Durham*, whereby any Sum of Money, or any Costs, Charges, or Expences, shall be payable to any Person, it shall be lawful for the Judges of any of Her Majesty's Superior Courts of Record at *Westminster*, upon the Application of any Person who at the Time of the Commencement of this Act shall have recovered, or who shall at any Time thereafter recover, such Judgment, or to whom any Money, or Costs, Charges, or Expences, shall be payable by such Rule or Order as aforesaid, or upon the Application of any Person on his Behalf, and upon the Production of the Record of such Judgment, or a Transcript thereof, or upon the Production of such Rule or Order, such Record or Transcript thereof, or Rule or Order, as the Case may be, being respectively under the Signature of the Prothonotary of the said Court of Pleas of *Durham*, or his Deputy, to order and direct the Judgment, or, as the Case may be, the Rule or Order of the said Court of Pleas at *Durham* to be removed into the said Superior Court, and immediately thereon such Judgment, Rule, or Order shall be of the same Force, Charge, and Effect as a Judgment recovered in or a Rule or Order made by such Superior Court; and all Proceedings shall and may be immediately had and taken thereupon, or by reason or in consequence thereof, as if such Judgment so recovered, or Rule or Order so made, had been originally recovered in or made by the said Superior Court at *Westminster*; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recovered in like Manner as if the same were Part of such Judgment, Rule, or Order: Provided always, that no such Judgment, Rule, or Order, when so removed as aforesaid, shall affect

For Removal of Judgment.

any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, any further than the same would have done if the same had remained a Judgment, Rule, or Order of the said Court of Pleas at *Durham*, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same.

If Rules of the Court cannot be enforced, &c.

XXIX. And be it enacted, That in case any other Rule of the said Court of Pleas at *Durham* cannot be enforced by reason of the Nonresidence of any Party or Parties within the Jurisdiction thereof, it shall be lawful, upon a Certificate of such Rule by the Prothonotary of the said Court, or his Deputy, and an Affidavit that by reason of such Nonresidence such Rule cannot be enforced as aforesaid, to make such a Rule of any one of the said Superior Courts at *Westminster*, whereupon such Rule shall be enforced as a Rule of the Court last mentioned.

Date of Writs and Return of Executions.

XXX. And be it enacted, That every Writ of Venire facias juratores issued out of the said Court of Pleas at *Durham* shall bear Date on the Day next preceding the first Commission Day of each Assizes, unless such Commission Day shall be on a *Monday*, and then on the *Saturday* preceding, and that every Writ of Habeas corpora juratorum shall bear Date on the Day of the Return of the Venire facias juratores; and that all other Writs issued out of the said Court of Pleas at *Durham*, except Writs of Distringas and Exigent and Proclamation, shall respectively bear Date on the Day on which the same shall be issued; and that all Writs of Execution may, if the Party suing out the same shall think fit, be made returnable immediately after the Execution thereof.

Power to adopt Rules made or to be made for the Superior Courts at *Westminster*.

XXXI. And be it enacted, That whenever by any Act of Parliament, or by or under the Authority of any Act of Parliament, or by any Rule or Order of any of Her Majesty's Superior Courts at *Westminster*, or of any of the Judges of the same, any Rules, Orders, or Regulations already have been or hereafter shall be made for the Purpose of framing, regulating, or amending the Proceedings, Practice, or Pleadings of any of the said Superior Courts at *Westminster*, it shall be lawful for the Justices of the said Court of Pleas at *Durham*, or any Two of them, by Rule or Order to be made in that Behalf, to adopt, *mutatis mutandis*, all or any of such Rules, Orders, or Regulations, or any Part or Parts thereof, as to the said Court shall seem fit.

Costs for preparing Pleadings.

XXXII. And be it enacted, That the Costs to be from Time to Time allowed for preparing Pleadings in Actions in the said Court of Pleas at *Durham* shall be the same as shall be allowed for preparing Pleadings of a like Description in Actions in the Superior Courts at *Westminster*.

Recognizance to be entered into by the Party removing a Cause from an inferior Court into the Court of Pleas.

XXXIII. And be it enacted, That the Proceedings in all Actions, except Actions of Replevin, which shall be removed from any inferior Court within the said County Palatine of *Durham* into the said Court of Pleas by Writ of *Pone loquelam* or any other Writ, shall not be stayed or delayed in any such inferior Court by reason of any such Writ of *Pone loquelam* or other Writ, unless the Person or Persons removing such Action from any such inferior Court, with Two sufficient Sureties such as the Sheriff or other Officer of such inferior Court shall approve of, shall be bound unto the other Party

Party in the said Action, by Recognizance, to be acknowledged before such Sheriff or other Officer of such inferior Court, in Double the Amount of the Debt or Damages mentioned in the Writ issued in such inferior Court, or in such other Sum as such Sheriff or other Officer of such inferior Court shall direct, to prosecute the said Writ of *Pone loquelam* or such other Writ with Effect, and also to satisfy and pay (if Judgment be given against the Person or Persons removing such Cause, or the Writ of *Pone loquelam* or other Writ be not proceeded in) all and singular the Debt, Damages, and Costs adjudged.

XXXIV. And be it enacted, That in all Cases the Person or Persons in whose Name or Names any Writ of false Judgment or Supersedeas thereon shall be brought for the reversing of any Judgment in any inferior Court within the said County Palatine of *Durham* shall, with Two sufficient Sureties such as the said Court of Pleas shall approve of, within Six Days after the Return of any such Writ into the Court of Pleas at *Durham*, be bound unto the Party for whom such Judgment is given, by Recognizance, to be acknowledged before a Justice of the said Court of Pleas at *Durham*, in Treble the Sum adjudged to be recovered by the former Judgment, to prosecute the said Writ of false Judgment or Supersedeas with Effect, and also to satisfy (if the said Judgment shall be affirmed, or the Writ of false Judgment or Supersedeas be not proceeded in) all and singular the Debt, Damages, and Costs adjudged, and all Costs and Damages to be awarded for the delaying Execution; and in case such Recognizance shall not be acknowledged and entered into such Writ of false Judgment shall abate, and the Party to whom such Judgment is given, on delivering to the Sheriff or other Officer in such inferior Court a Certificate by the Prothonotary of the said Court of Pleas, or his Deputy, that such Recognizance has not been acknowledged and entered into, shall be entitled to Execution out of such inferior Court for the Sum adjudged to be recovered by such Judgment, and Costs of Action.

Recognizance to be entered into by the Party bringing a Writ of false Judgment.

XXXV. ' And whereas it is expedient that due Provision should be made for the Compensation of the Cursitor of the County of *Durham* for the Losses he may sustain by the Reduction of or Abolition of his Fees by virtue or in consequence of this Act: Be it therefore enacted, That from and after the Commencement of this Act there shall be issued, paid, and payable out of, and charged upon, the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the said Cursitor, free and clear of all Taxes and Deductions whatsoever, such Sums of Money, at such Times, by way of Annuity or otherwise, as, having regard to the Manner of his Appointment to such Office, and the Time and Duration thereof, and all the Circumstances of the Case, shall be adjudged and determined to be due to such Cursitor by any Commission to be appointed by Her Majesty or by virtue of any Act of Parliament for the Purpose of determining the Amount of the Compensation that ought to be due and payable in such Cases; and in the meantime and until such Compensation shall be awarded and determined in manner aforesaid, or the Time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom

Compensation awarded to the Cursitor of the County of *Durham*.

dom

dom of *Great Britain and Ireland*, or any Three of them, to issue their Warrants for the Payment to such Cursitor as aforesaid, out of the said Consolidated Fund, of such half-yearly or quarterly Allowances as to the said Commissioners shall seem reasonable, both as to the Amount and Time of Payment, on account of such Compensation as may be thereafter awarded to the said Cursitor.

Cursitor not to receive Compensation unless he makes a Statement of the Fees received.

XXXVI. Provided always, and be it enacted, That such Cursitor shall not be entitled to receive any such Compensation or Allowance as aforesaid unless he shall previously make a full and true Statement to the said Commissioners of Her Majesty's Treasury, to be verified on Oath before a Judge or Master Extraordinary in Chancery, if they shall think fit so to direct, of the Amount of the Salary, Fees, and Emoluments of such Office, and of the Disbursements and Outgoings of the same, for the Time they shall have held such Office, or for the Space of Ten Years before the passing of this Act, and the Amount of such Fees during such Period of Time as aforesaid as are to be abolished by this Act shall be set forth in such Statement; and that such Compensation or Allowances shall cease altogether or be reduced in Amount, as the Case may be, whenever the Party entitled to receive the same shall be placed in any other Public Office of which the Salary and Emoluments shall be equal to the Whole or to Part of such Compensation or Allowance, so that in such last-mentioned Case such Cursitor shall not be entitled to receive more of such Compensation or Allowance than shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be hereafter placed.

Cases in which Compensation shall cease or be reduced.

Commencement of Act.

XXXVII. And be it enacted, That this Act shall commence and take effect on the Thirteenth Day of *September* One thousand eight hundred and thirty-nine.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULE to which this Act refers.

No. 1.

Writ of Summons.

Victoria, &c.

To *C.D.* of, &c. in the County of Durham, greeting.

We command you [*or as before or often We have commanded you*], That within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of Pleas at Durham in an Action on Promises [*or of Debt, &c., as the Case may be*], at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may cause an Appearance to be entered for you, and proceed therein to Judgment and Execution.

Witness at Durham the Day of in the Year of Our Reign.

Memorandum to be subscribed on the Writ.

N. B.—This Writ is to be served within Four Calendar Months from the Date hereof, including the Day of such Service.

Indorsements

Indorsements to be made on the Writ before Service thereof.

This Writ was issued by *E.F.* of Attorney for the said *A.B.*

or

This Writ was issued in person by *A.B.*, who resides at [mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such].

The Plaintiff claims for Debt, and for Costs, and if the Amount thereof be paid to the Plaintiff or Attorney within Eight Days from the Service hereof, inclusive of the Day of such Service, further Proceedings will be stayed.

Indorsement to be made on the Writ after Service thereof.

This Writ was served by me *X.Y.* on the Day of One thousand eight hundred and thirty *X.Y.*

No. 2.

Forms of entering an Appearance.

In the Court of Pleas at Durham, } The Defendant *C.D.* appears
A.B. Plaintiff against *C.D.* } in person [or *E.F.*, Attorney
[or for *C.D.*, appears for him,
C.D. and another, or *G.H.*, Attorney for the
or Plaintiff, appears for the De-
Against *C.D.* and others.] } fendant *C.D.*, according to
the Statute.

Entered the Day of One thousand eight hundred and

No. 3.

Writ of Distringas.

Victoria, &c.
To the Sheriff of Durham,
[or

To the Coroners of the County of Durham,] greeting.

We command you, That you omit not, by reason of any Liberty in your Bailiwick, but that you enter the same, and distrain upon the Goods and Chattels of *C.D.* for the Sum of Forty Shillings, in order to compel his Appearance in Our Court of Pleas at Durham to answer *A.B.* in a Plea of Trespass on the Case [or of Debt, &c., as the Case may be], and how you shall execute this Our Writ you make known to Our Justices at Durham on the Day of [instant or now next ensuing].

Witness at Durham the Day of in the Year of Our Reign.

Notice to be subscribed to the foregoing Writ.

In the Court of Pleas }
at Durham. } Between *A.B.*, Plaintiff,
and
C.D., Defendant.

Mr. *C.D.*

Take notice, That I have this Day distrained upon your Goods and Chattels in the Sum of Forty Shillings, in consequence of your

your not having appeared in the said Court to answer *A. B.* according to the Exigency of a Writ of Summons bearing Date on the Day of _____; and that in default of your Appearance to the present Writ within Eight Days inclusive after the Return thereof, the said *A. B.* will cause an Appearance to be entered for you, and proceed thereon to Judgment and Execution [*or, if the Defendant be subject to Outlawry, will cause Proceedings to be taken to outlaw you.*]

C A P. XVII.

An Act to secure to Proprietors of Designs for Articles of Manufacture the Copyright of such Designs for a limited Time. (a) [14th June 1839.]

‘ WHEREAS it is expedient that Provision should be made for securing the exclusive Benefit of Designs for Articles of Manufacture to the Authors and Proprietors thereof for a limited Time;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Proprietor of a new and original Design made for any of the following Purposes, and not published before the First Day of July One thousand eight hundred and thirty-nine, shall have the sole Right to use the same for any such Purpose during the Term of Twelve Calendar Months, to be computed from the Time of the same being registered according to this Act; and the following are the Purposes referred to :

First.—For the Pattern or Print, to be either worked into or worked on, or printed on or painted on, any Article of Manufacture, being a Tissue or textile Fabric, except Lace, and also except Linens, Cottons, Calicoes, Muslins, and any other Article within the Meaning of the Acts mentioned in the Schedule hereto annexed :

Second.—For the Modelling, or the Casting, or the Embossment, or the Chasing, or the Engraving, or for any other Kind of Impression or Ornament, on any Article of Manufacture, not being a Tissue or textile Fabric :

Third.—For the Shape or Configuration of any Article of Manufacture, except Lace, and also except Linens, Cottons, Calicoes, Muslins, and any other Article within the Meaning of the Acts mentioned in the Schedule hereto annexed :

Provided always, that every Proprietor of a new and original Design made for the Modelling, or the Casting, or the Embossment, or the Chasing, or the Engraving, or for any other Kind of Impression or Ornament on any Article of Manufacture, being of any Metal or mixed Metals, shall have the sole Right to use the same during the Term of Three Years, to be computed from the Time of the same being registered according to this Act; but no Person shall be entitled to the Benefit of this Act unless the Design have before Publication been registered according to this Act, and unless such Person be registered according to this Act as the Proprietor of the Design, and unless after Publication of the

(a) [*See Chap. 13. ante.*]

Design

Duration of
Copyright.

Proviso for
Designs for
Modelling, &c.

Conditions of
Copyright.

Design every Article of Manufacture published by him, on which such Design is used, have thereon the Name of the first registered Proprietor, and the Number of the Design in the Register, and the Date of the Registration thereof: And the Author of every such new and original Design shall be considered the Proprietor, unless he have executed the Work on behalf of another Person for a valuable Consideration, in which Case such Person shall be considered the Proprietor, and shall be entitled to be registered in the Place of the Author; and every Person purchasing for a valuable Consideration a new and original Design, or the exclusive or the partial Right to use the same for any One or more of the above-mentioned Purposes, in relation to any One or more Articles of Manufacture, shall be considered as the Proprietor of the Design for all or any One or more of such Purposes, as the Case happens to be.

Proprietor explained.

II. And be it enacted, That every Person purchasing a new and original Design may enter his Title in the Register hereby provided; and any Writing purporting to be a Transfer of such Design, and signed by the Proprietor thereof, shall operate as an effectual Transfer; and the Registrar shall, on Request, and the Production of such Writing, insert the Name of the new Proprietor in the Register; and the following may be the Form of such Transfer, and of such Request to the Registrar:

Transfer of Copyright, and Register thereof.

Form of Transfer and Authority to register.

‘ [A.B., Author [or Proprietor] of Design Number
 ‘ having transferred my Right thereto [or if such Transfer be
 ‘ partial] so far as regards the making of [describe
 ‘ the Articles of Manufacture with respect to which the Right is
 ‘ transferred] to B.C. of do hereby authorize
 ‘ you to insert his Name on the Register of Designs accordingly.’

Form of Request to register.

‘ [B.C., the Person mentioned in the above Transfer, do request
 ‘ you to register my Name and Property in the said Design, ac-
 ‘ cording to the Terms of such Transfer.’

III. And be it enacted, That during the Existence of such exclusive or partial Right no Person shall either do or cause to be done any of the following Acts in regard to a registered Design, without the Licence or Consent in Writing of the registered Proprietor thereof; (that is to say,)

For preventing Piracy.

No Person shall use for the Purposes aforesaid, or any of them, or print or work or copy, such registered Design, or any original Part thereof, on any Article of Manufacture, for Sale:

No Person shall publish, or sell or expose to Sale or Barter, or in any other Manner dispose of for Profit, any Article whereon such registered Design or any original Part thereof has been used, knowing that the Proprietor of such Design has not given his Consent to the Use thereof upon such Article:

No Person shall adopt any such registered Design on any Article of Manufacture for Sale, either wholly or partially, by making any Addition to any original Part thereof, or by making any Subtraction from any original Part thereof:

And if any Person commit any such Act he shall for every Offence forfeit a Sum not less than Five Pounds and not exceeding Thirty Pounds,

Penalty.

Pounds, to the Proprietor of the Design in respect of which such Offence has been committed.

Recovery of Penalties for Piracy.

IV. And be it enacted, That the Party injured by any such Act may recover such Penalty as follows :

In *England*, either by an Action of Debt or on the Case against the Party offending, or by summary Proceeding before Two Justices having Jurisdiction where the Party offending resides ; and if the Party injured proceed by such summary Proceeding, any Justice of the Peace acting for the County, Riding, Division, City, or Borough where the Party offending resides, and not being concerned either in the Sale or Manufacture of the Article of Manufacture or in the Design to which such summary Proceeding relates, may issue a Summons requiring such Party to appear on a Day and at a Time and Place to be named in such Summons, such Time not being less than Eight Days from the Date thereof ; and every such Summons shall be served on the Party offending, either in Person or at his usual Place of Abode ; and either upon the Appearance or upon the Default to appear of the Party offending, any Two or more of such Justices may proceed to the hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party offending or upon the Oath or Affirmation of One or more credible Witnesses, which such Justices are hereby authorized to administer, may convict the Offender in a Penalty of not less than Five Pounds or more than Thirty Pounds, as aforesaid, for each Offence, as to such Justices doth seem fit ; and if the Amount of such Penalty or of such Penalties, and the Costs attending the Conviction, so assessed by such Justices, be not forthwith paid, the Amount of the Penalty or of the Penalties, and of the Costs, together with the Costs of the Distress and Sale, shall be levied by Distress and Sale of the Goods and Chattels of the Offender wherever the same happen to be in *England* ; and the Justices before whom the Party has been convicted, or, on Proof of the Conviction, any Two Justices acting for any County, Riding, Division, City, or Borough in *England* where Goods and Chattels of the Person offending happen to be, may grant a Warrant for such Distress and Sale ; and the Overplus, if any, shall be returned to the Owner of the Goods and Chattels, on Demand :

In *Scotland*, either before the Court of Session, or by summary Proceeding as aforesaid before any Two or more Justices of the Peace of the County or Place where the Offence was committed :

In *Ireland*, either by Action in a Superior Court of Law at *Dublin*, or by Civil Bill in the Civil Bill Court of the County or Place where the Offence was committed :

And no Action or other Proceeding for any Offence under this Act shall be brought after the Expiration of Six Calendar Months from the Commission of the Offence ; and in such Action or other Proceeding every Plaintiff or Prosecutor shall recover his full Costs of Suit, or of such other Proceeding.

Registrar, &c. of Designs to be appointed.

V. For the Purpose of registering Designs for Articles of Manufacture, in order to obtain the Protection of this Act, be it enacted,

enacted. That the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations may appoint a Person to be a Registrar of Designs for Articles of Manufacture, and if the Lords of the said Committee see fit, a Deputy Registrar, Clerks, and other necessary Officers and Servants; and such Registrar and Deputy Registrar shall hold their Offices during the Pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from Time to Time fix the Salary or Remuneration of such Registrar, Deputy Registrar, Clerks, Officers, and Servants; and, subject to the Provisions of this Act, the Lords of the said Committee may make Rules for regulating the Execution of the Duties of the Office of the said Registrar; and such Registrar shall have a Seal of Office.

VI. And be it enacted, That the said Registrar shall not register any Design unless he be furnished with Three Copies or Drawings of such Design, accompanied with the Name and Place of Abode of the Proprietor thereof; and the Registrar shall register all such Copies from Time to Time successively as they are received by him for that Purpose, and on every such Copy he shall affix a Number corresponding to such Succession, and he shall retain Two Copies, one of which he shall file in his Office, and the other he shall hold at the Disposition of the Lords of the said Committee, and the remaining Copy he shall return to the Person by whom the same has been forwarded to him; and in order to give ready Access to the Copies of Designs so registered, he shall keep a classified Index of such Copies of Designs.

Registrar's Duties.

VII. And be it enacted, That upon any original Design so registered, and upon every Copy thereof received for the Purpose of being registered, or for the Purpose of such Registration being certified thereon, the Registrar shall certify under his Hand that the Design has been so registered, the Date of such Registration, and the Name of the registered Proprietor; and such Certificate made on every such original Design, or on such Copy thereof, and purporting to be signed by the Registrar or Deputy Registrar, and purporting to have the Seal of Office of such Registrar affixed thereto, shall, in the Absence of Evidence to the contrary, be sufficient Proof, as follows:

Certificate of Registration of Design.

- Of the Design, and of the Name of the Proprietor therein mentioned, having been duly registered; and
- Of the Commencement of the Period of Registry; and
- Of the Person named therein as Proprietor being the Proprietor; and
- Of the Originality of the Design; and
- Of the Provisions of this Act, and of any Rule under which the Certificate appears to be made, having been complied with:

And any such Writing purporting to be such Certificate shall (in the Absence of Evidence to the contrary) be received in Evidence without Proof of the Handwriting of the Signature thereto, or of the Seal of Office affixed thereto, or of the Person signing the same being the Registrar or Deputy Registrar.

VIII. And be it enacted, That the Commissioners of the Treasury shall from Time to Time fix the Fees to be paid for the Services to be performed by the Registrar, and such Fees shall be applied to defray the Expences of the said Office, and the Salaries

Fees of Registration, and Application thereof.

or

or other Remuneration of the said Registrar, and of any other Persons employed under him, with the Sanction of the Commissioners of the Treasury, in the Execution of this Act, and the Balance shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and the Commissioners of the Treasury may regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for.

Penalty for Extortion.

IX. And be it enacted, That if either the Registrar or any Person employed under him either demand or receive any Gratuity or Reward, whether in Money or otherwise, except the Salary or Remuneration authorized by the Commissioners of the Treasury, he shall forfeit for every such Offence Fifty Pounds to any Person suing for the same, by Action of Debt in the Court of Exchequer at *Westminster*, and he shall also be liable to be either suspended or dismissed from his Office, and rendered incapable of holding any Situation in the said Office, as the Lords of the Treasury see fit.

Letters, &c. to and from the Office of Registrar of Designs exempt from Postage.

X. And for the Purpose of facilitating the Use of the Provisions of this Act in regard to the Registration of Designs, be it enacted, That all Letters and Packets transmitted by Post, either to or from the Office of Registrar of Designs, relating solely to the Business of such Office, shall be exempt from Postage; and that in respect of such Letters and Packets the Provisions of an Act passed in the First Year of Her present Majesty's Reign, intituled *An Act for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage*, relating to the general Regulation of the official Privilege of franking, and to the Transmission to the Post Office of unprivileged Letters, and the Penalties and Provisions mentioned in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, shall, so far as the same may be applicable, apply to the Office of the Registrar of Designs, and the Franking Officer thereof.

7 W. 4. &
1 Vict. c. 35.

7 W. 4. &
1 Vict. c. 36.

Interpretation Clause.

XI. And for the Interpretation of this Act, be it enacted, That the following Terms and Expressions, so far as they are not repugnant to the Context of this Act, shall be construed as follows: (that is to say,) the Expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them; and the Expression "Article of Manufacture" shall include any Article of the Kind herein referred to, whether it be made by Hand or by Machinery, or by both of those Means; and the Singular Number shall include the Plural as well as the Singular Number; and the Masculine Gender shall include the Feminine Gender as well as the Masculine Gender.

Commencement of Act.

XII. And be it enacted, That this Act shall come into operation on the passing thereof, as to the Office and the Appointment of the Registrar hereby authorized, and on the First Day of *July* One thousand eight hundred and thirty-nine, as to the other Parts of the Act.

XIII. And

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Alteration of Act.

SCHEDULE.

DATE OF ACTS.	TITLE.
27 Geo. 3. c. 38. (1787.)	An Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
29 Geo. 3. c. 19. (1789.)	An Act for continuing an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
34 Geo. 3. c. 23. (1794.)	An Act for amending and making perpetual an Act for the Encouragement of the Arts of designing and printing Linens, Cottons, Calicoes, and Muslins, by vesting the Properties thereof in the Designers, Printers, and Proprietors for a limited Time.
2 Vict. (1839.)	Any Act passed during the present Session of Parliament, "for extending the Copyright of Designs for Calico Printing to Designs for printing other woven Fabrics."

C A P. XVIII.

An Act to enable Archbishops and Bishops to raise Money on Mortgage of their Sees, for the Purpose of building and otherwise providing fit Houses for their Residence.

[1st July 1839.]

WHEREAS it is expedient that Power should be given to the Archbishops and Bishops of the several Dioceses in *England* and *Wales* to raise Money upon the Security of the Lands and Hereditaments of their respective Sees, for the Purpose of taking down and rebuilding, or repairing, adding to, altering, or improving, the Palaces or Mansion Houses, Offices, and Outbuildings belonging to their respective Sees, or of providing other Palaces or Mansion Houses, Offices, and Outbuildings for the Residence and Occupation of themselves and their Successors: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act it shall be lawful for the Archbishop or Bishop for the Time being of any Diocese in *England* or *Wales*, after procuring such Certificate and other Evidence

Any Archbishop or Bishop may raise Money on Mortgage of the

Possessions of his See for rebuilding or improving the Palace or Mansion; or for building a new Palace or Mansion for his Occupation; or for purchasing any Freehold Mansion House, &c.; or for purchasing Land for a Site, &c.

dence and obtaining such Consents as are herein-after required, to borrow and take up at Interest in the Manner herein-after mentioned, for the Purpose of taking down and rebuilding upon the same or any adjacent Site or Sites, or upon any other Land or Ground belonging to his See, or of repairing, adding to, altering, or improving any Palace or Mansion House, Offices, or Outbuildings belonging to his See, or any Part or Parts thereof; or for the Purpose of building upon any Land or Ground belonging to his See any Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition thereto; or for the Purpose of purchasing any Freehold Messuage or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either with or without Freehold Land convenient to be held therewith, and either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition thereto, and (if necessary or expedient) taking down and rebuilding on the same Site, or on any other Part or Parts of the Land to be included in such Purchase, or repairing, adding to, altering, or improving the Messuage or Mansion House, Offices, or Outbuildings to be so purchased as aforesaid, or any Part or Parts thereof; or for the Purpose of purchasing any Freehold Land or Ground (either with or without any Building or Buildings thereon) as a Site for any Palace or Mansion House, Offices, or Outbuildings, and for Occupation therewith, and building on the said Land or Ground, or any Part or Parts thereof, any such Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either in lieu of and in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, or in addition to the same, and in order thereto taking down and removing, or repairing, adding to, altering, or improving, any Building or Buildings which may be standing upon the said Land or Ground at the Time of such Purchase, or any Part or Parts thereof, any Sum or Sums of Money not being less than Two thousand Pounds nor exceeding Three Years net Income and Produce of the Revenues of his See, such yearly net Income and Produce to be reckoned on an Average of Three Years, and ascertained and certified in the Manner herein-after mentioned; and as a Security for the Money so to be borrowed, by Indenture or Indentures, to be duly sealed and delivered, to demise all or any of the Manors, Messuages, Lands, Tenements, Tithes, Rent-charges in lieu of Tithes, Rents, and Hereditaments of or belonging to his See, to any Person or Persons, or Body or Bodies Politic or Corporate, who shall be willing to lend or advance the same, or to such Person or Persons as such Lender or Lenders may nominate or appoint, for any Term or Terms of Years, but to be subject to a Proviso or Provisoes in such Mortgage or Mortgages to be contained for the Cesser of every such Term or Terms of Years on Payment to the Party or Parties, Body or Bodies Politic or Corporate, who shall advance the same or any Part or Parts thereof, his, her, or their Executors, Administrators, Successors, or Assigns, of the Principal Sum or Sums

Sums so to be borrowed, and such Interest as shall become due for the same, at the Times and in the Manner herein-after mentioned; (that is to say,) the Interest thereof, or of so much thereof as from Time to Time shall remain unpaid, at such Rate as shall be agreed upon, to be paid by equal half-yearly Payments on the Days to be therein appointed, the first of such Payments to be appointed to be made at the End of Six Months next after the Date of the Mortgage, and One Thirtieth Part of the Principal Money at the End of the Third Year from such Date, and a like Thirtieth Part of the Principal Money at the End of each Year of the succeeding Twenty-nine Years; which Mortgage or Mortgages, when so made, after the same shall have been registered in the Registry of the Diocese of the Archbishop or Bishop making the same, shall bind every succeeding Archbishop or Bishop in the same See, until the Principal Money, Interest, and Costs shall be paid off and discharged, as fully and effectually as if such Successor had made or executed the same: Provided always, that no Messuage, Mansion House, Offices, Outbuildings, or Land shall be purchased under this Act by any Archbishop, except such Messuage, Mansion House, Offices, Outbuildings, or Land shall be situate within the Province of such Archbishop, nor shall any such Messuage, Mansion House, Offices, or Outbuildings be purchased by any Bishop under this Act, except the same shall be situate within the Diocese of such Bishop.

How Interest and Principal shall be paid.

No Messuage, &c. to be purchased unless within the Province or Diocese.

II. And be it further enacted, That for determining the Amount raisable by any Archbishop or Bishop under the Authority of this Act, the net yearly Income and Produce of the Revenues of his See, on an Average of Three Years ending on the Twenty-ninth Day of *September* next before the Date of the Deed or Deeds of Mortgage, shall be ascertained and certified, so far as shall be thought necessary for the Purpose aforesaid, by the Persons herein-after mentioned; (that is to say,) in the Case of an Archbishop by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by such Bishop and the Archbishop of the Province for the Time being; and that every such Certificate shall be in Writing under the respective Hands of the certifying Parties, and shall be deposited in the Registry of the Diocese of the Archbishop or Bishop making such Mortgage or Mortgages, for the Use and Benefit of such Archbishop or Bishop, and his Successors, Executors, or Administrators, and of the Person or Persons, or Body or Bodies Politic or Corporate, by whom the Mortgage Money shall be advanced, and his or their Executors, Administrators, Successors, and Assigns, who shall respectively have a Right to inspect the same, and take Copies thereof, whenever Occasion shall require; and that every such Certificate so made and deposited as aforesaid shall for the Purposes of the Mortgage or Mortgages to which the same shall relate be conclusive Evidence of the Amount of the net yearly Income and Produce of the Revenues of the said See.

How net yearly Income and Produce of a See to be ascertained.

Certificate thereof to be deposited in the Registry of the Diocese.

III. Provided always, and be it further enacted, That no Mortgage shall be made under the Authority of this Act, for any of the Purposes aforesaid, until the Archbishop or Bishop desiring to make the same shall have procured from some skilful and experienced Architect or Surveyor a Certificate containing a Statement

No Mortgage to be made until a Surveyor's Certificate, stating the Particulars herein

required, has been made to certain Parties, and their Consent obtained.

Respecting standing or growing Timber.

Protection for Mortgagees.

Mortgagor to covenant to keep down Principal and Interest.

Power of Distress and Sale in case the Principal or Interest shall be Forty Days in arrear.

of the Propriety and Expediency of raising Money for the Purposes in question, and of the Condition of any Palace or Mansion House, Offices, or Outbuildings, which may be proposed to be taken down and rebuilt, or repaired, added to, altered, or improved, or in substitution for which any Palace or Mansion House, Offices, or Outbuildings shall be proposed to be built or purchased as aforesaid, and of the Value of the Timber and other Materials belonging to the See (if any) available for the Purposes aforesaid, or saleable, and a Plan and Estimate of the Works fit and proper to be done for effecting such Purposes, and also in the Case of a Purchase a Map or Maps under an actual Survey of the Messuage or Mansion House, Offices, or Outbuildings, Land, and Premises proposed to be purchased as aforesaid, and a Valuation thereof, and shall have laid the same before the Persons herein-after mentioned, (that is to say,) in the Case of an Archbishop before the other Archbishop and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and in the Case of a Bishop before the Archbishop of the Province and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and obtained the Consent of the same Parties respectively to such Mortgage or Mortgages as aforesaid, signified by some Writing or Writings under their respective Hands: Provided nevertheless, that if there shall be standing or growing upon any Land or Ground belonging to the See any Timber or other Trees or Tree which in the Judgment of such Architect or Surveyor ought to be left standing for the Ornament or Shelter of the Palace or Mansion House so proposed to be taken down and rebuilt, or repaired, added to, altered, improved, or substituted as aforesaid, such Timber and other Trees or Tree shall not be deemed Timber available for the Purposes aforesaid, or saleable, and the Value thereof shall not be computed or reckoned by such Architect or Surveyor in the Certificate herein-before required to be given by him: Provided always, that such Consents so signified as aforesaid shall discharge the Person or Persons, or Body or Bodies Politic or Corporate, by whom the Mortgage Money shall be advanced, from all Obligation and Concern to ascertain or inquire whether any such Certificate or other Evidence shall have been procured and laid before the consenting Parties as aforesaid, or for what Purpose the Mortgage Money shall be raised, or whether such Purpose shall be within the true Intent and Meaning of this Act.

IV. And be it further enacted, That every such Mortgage shall contain a Covenant from the Archbishop or Bishop making the same, for himself, his Heirs, Executors, and Administrators, to pay and keep down so much of the said Principal Money and Interest as shall become payable upon such Mortgage or Mortgages during the Period of his Continuance in his said See.

V. Provided always, and be it further enacted, That whenever the Principal Money or Interest to be secured by any such Mortgage or Mortgages, or any Part thereof respectively, shall be in arrear and unpaid for more than Forty Days after the same respectively shall become due, it shall be lawful for the Mortgagee or Mortgagees, his or their Executors, Administrators, Successors, or Assigns, to recover the same respectively, or so much thereof respectively

spectively as shall be then due, together with Interest after the Rate reserved by the said Mortgage upon any Instalment of the Principal Money which shall be so in arrear, and the Costs and Charges attending the Recovery thereof, by Distress and Sale in such Manner as Rents may by Law be recovered by Landlords from their Tenants.

VI. Provided always, and be it further enacted, That from and after every Avoidance of any See the Lands and Hereditaments whereof shall have been mortgaged as aforesaid no Person or Persons, or Body or Bodies Politic or Corporate, to whom any such Mortgage or Mortgages shall have been made, his, her, or their Executors, Administrators, Successors, or Assigns, shall be entitled to recover by Distress and Sale in the Manner herein-before mentioned any more than One Year's Interest which may have accrued before such Avoidance upon any Principal Sum to be secured by such Mortgage or Mortgages, or more than One Instalment for Principal Money which shall have fallen due before such Avoidance.

VII. And be it further enacted, That the Money to be borrowed as aforesaid shall be paid, in the Case of an Archbishop, into the Hands of such Person or Persons as shall be nominated or appointed to receive and apply the same for the Purposes aforesaid by the Archbishops of *Canterbury* and *York* for the Time being, by some Writing under their respective Hands, and in the Case of a Bishop into the Hands of such Person or Persons as shall be nominated or appointed to receive and apply the same for the Purposes aforesaid by such Bishop and the Archbishop of the Province for the Time being, by some Writing under their respective Hands, after such Nominee or Nominees shall have given a Bond to the Persons so nominating or appointing, with sufficient Surety, in a sufficient Sum, with a Condition for his or their duly applying and accounting for the Money which may come to his or their Hands under this Act; and the Receipt or Receipts of the Person or Persons so to be nominated shall be a sufficient Discharge to the Person or Persons who shall advance and pay the Money; and the Person or Persons so to be nominated shall or may from Time to Time enter into Contracts with proper Persons for such Works as shall from Time to Time be approved, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being, and be specified in an Instrument or Instruments upon Parchment to be signed by them; and also shall or may, with the like Approbation, from Time to Time rescind or vary any such Contracts, and shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Works according to the Terms of such Contracts; or otherwise shall superintend and inspect such Works, and pay for the same, as the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be) shall by some Writing or Writings under their respective Hands appoint or direct; and shall also pay the Consideration Money for all such Messuages, Buildings, and Lands as shall be purchased under the Authority of this Act to such Persons and in such Manner as the said Two

Limiting Amount of Interest and Principal to be recovered in case of Avoidance of See.

Money borrowed to be paid into the Hands of a Nominee or Nominees.

Powers and Duties of Nominees.

Archbishops or the said Archbishop and Bishop for the Time being (as the Case shall be) shall in manner aforesaid appoint or direct; and shall also purchase or provide and pay for all such Fixtures and Fittings as shall be deemed proper and suitable as aforesaid, and shall be approved by the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be); and shall pay the Costs and Charges of any Mortgage or Mortgages and of any Purchase or Purchases which may be made under the Authority of this Act, and of procuring any such Certificate, Plan, Estimate, Map, and Valuation as aforesaid, and of making Copies thereof; and shall take proper Receipts for the Money to be so paid or applied as aforesaid; and, so soon as the Works and other Purposes for which such Monies shall have been raised shall be completed, and the Money paid, shall make out an Account of his or their Receipts and Payments, and enter them in a Book fairly written, which shall be signed by him or them, and, together with the Vouchers for such Payments, shall be laid before the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be), and examined by them, and when allowed by Writing under their Hands such Allowance to be a full Discharge to the Person or Persons so nominated in respect of the said Account; and if any Balance shall remain in the Hands of such Nominee or Nominees after the Payments aforesaid, and also after making to him or them such Compensation for his or their Trouble as the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be) shall think reasonable, the same shall be paid in discharge of the Principal Debt secured by such Mortgage or Mortgages, so far as such Balance will extend to pay the same, and so as to reduce proportionably the annual Instalments of such Debt, or such of the said Instalments as shall not have fallen due; all which Accounts, when made out, completed, and allowed, shall be deposited, together with the Vouchers, in the Registry of the Diocese of the Archbishop or Bishop by whom such Mortgage or Mortgages shall have been made, for the Use and Benefit of such Archbishop or Bishop and his Successors, who shall have a Right to inspect the same, and take Copies thereof, whenever Occasion shall require.

The Mortgagor
may grant
Leases notwithstanding any
such Mortgage.

VIII. Provided nevertheless, and be it further enacted, That, notwithstanding any such Mortgage or Mortgages as aforesaid, it shall be lawful for the Archbishop or Bishop who shall have made the same, and his Successors, from Time to Time to make such Contracts and Agreements for granting Leases, and such Leases, either under any existing Power, or under any Power to be hereafter created, or otherwise howsoever, as he or they might have made in case this Act and the said Mortgage or Mortgages had not been passed or made; and that such Mortgage or Mortgages shall also be subject to the Effect of all such Contracts and Agreements for Leases, and of all such Leases, of any of the Hereditaments to be included therein, as may have been then already made and may be then subsisting.

The Archbishop
or Bishop for
the Time being
to pay off yearly
at the End of

IX. And be it further enacted, That every Archbishop or Bishop making any such Mortgage or Mortgages as aforesaid, and his Successors for the Time being, shall and he and they is and are hereby required to pay and discharge yearly at the End of the

Third Year from the making of such Mortgage or Mortgages respectively, and at the End of each Year of the succeeding Twenty-nine Years, One Thirtieth Part of the Principal Money thereby to be respectively secured, until the whole of such Money shall be discharged, and also from Time to Time to pay the Interest which shall become due on such Principal Money, or on such Part thereof as for the Time being shall remain unpaid; and that every such Archbishop or Bishop, and his Successors for the Time being, shall annually, at his and their own Expence, from and immediately after the Commencement of any such Buildings or other Works as aforesaid, except as to any Palace, Mansion House, Messuage, or Building which shall be proposed to be entirely taken down, and then from and immediately after the Commencement of the rebuilding thereof, and also from and immediately after the entering into any Contract or Contracts for the Purchase of any Messuage or Building under the Authority of this Act, insure and keep insured the whole of the Buildings whereon or on any Part whereof such Works shall have been so commenced, or which shall be comprised in such Contract or Contracts as aforesaid, at One or more of the public Offices in *London* or *Westminster* for insuring Houses and Buildings from Loss or Damage by Fire, in such Sum or Sums of Money as shall be agreed upon, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being; and the Receipt or Receipts for the Premium or Premiums which shall be paid for effecting or keeping on foot such Insurance or Insurances respectively shall be annually exhibited by every such Archbishop effecting such Insurance or Insurances to the other Archbishop for the Time being, and by every such Bishop to the Archbishop of the Province for the Time being; and in every Case of any Loss or Damage by Fire to any of the said Buildings the Money to be received under any such Insurance or Insurances shall be applied, in the Case of an Archbishop, by or under the Direction of the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop, by or under the Direction of the Archbishop of the Province and the Bishop of the Diocese for the Time being, in or towards the rebuilding or repairing and reinstating of the same.

X. Provided always, and be it further enacted, That if any such Archbishop or Bishop as aforesaid, or any of his Successors, shall neglect to insure or keep insured in manner aforesaid the said Buildings or any of them to the full Amount which shall be agreed upon as aforesaid, and any Loss or Damage by Fire shall happen thereto, and the Archbishop or Bishop who shall have so neglected, or his Heirs, Executors, or Administrators, shall not within Twelve Calendar Months next after such Fire shall have happened rebuild or repair and reinstate the Building or Buildings which shall have been burnt down or damaged by Fire, or apply for the Purpose such a Sum of Money, as together with the Money, if any, for which the Building or Buildings so burnt down or damaged by Fire shall have stood insured, shall make up the full Sum for which the same respectively ought to have been kept insured, it shall be lawful, in the Case of an Archbishop, for the other Arch-

the Third Year
One Thirtieth
Part of the
Principal, and
also the Interest
of such Part as
for the Time
being may remain
unpaid;
and to insure
from Fire.

In case of Neg-
lect to insure,
and if Fire
should happen,
Power given
for proceeding
against the
Archbishop or
Bishop by
Action.

bishop for the Time being, and in the Case of a Bishop for the Archbishop of the Province for the Time being, and they are hereby directed, to proceed by Action of Debt against the Archbishop or Bishop who shall have so neglected, or his Heirs, Executors, or Administrators, for the Recovery of such a Sum of Money (not exceeding the Sum for which the Building or Buildings so to be burnt down or damaged by Fire ought to have been insured as aforesaid, or the Proportion thereof for which the same shall not have stood insured, after deducting therefrom the Money, if any, which such Archbishop or Bishop, his Heirs, Executors, or Administrators, shall have applied towards such Rebuilding or Repairs and Reinstatement as aforesaid) as shall be sufficient to rebuild or repair and reinstate the same; and the Money so to be recovered in such Action shall be applied, in the Case of an Archbishop, by the Archbishops of *Canterbury* and *York* for the Time being, and in the Case of a Bishop by the Archbishop of the Province and the Bishop of the Diocese for the Time being, or under their Direction respectively, in or towards rebuilding, repairing, and reinstating the Building or Buildings which shall have been so burnt down or damaged by Fire as aforesaid.

A Proportion of the half-yearly Interest, and of the annual Instalment of Principal, to be paid on Avoidance of the See.

XI. Provided always, and be it further enacted, That upon every Vacancy which shall happen of any See the Lands and Hereditaments whereof shall have been mortgaged under the Authority of this Act, before such Mortgage or Mortgages shall be discharged, the Archbishop or Bishop for the Time being avoiding the same, his Heirs, Executors, or Administrators, shall pay so much of the half-yearly Payment of Interest upon the Principal Money secured by any such Mortgage or Mortgages accruing and not actually accrued due at the Time of his ceasing to be Archbishop or Bishop of the said See as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Half Year, and shall also (in case such Avoidance shall happen after the Expiration of the Second Year from the Date of such Mortgage or Mortgages respectively) pay so much of the annual Instalment which shall fall due next after such Avoidance of the said See of every Principal Sum so to be secured as aforesaid as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Year.

For Removal of Buildings, and applying the Materials to the Purposes of the Act.

XII. And be it further enacted, That if any Money shall be raised by any Archbishop or Bishop under the Authority of this Act, for the Purpose of building or purchasing any Palace or Mansion House, Offices, or Outbuildings, in substitution for any Palace or Mansion House, Offices, or Outbuildings then belonging to his See, it shall be lawful for any such Archbishop, with the Consent of the other Archbishop for the Time being, and for any such Bishop, with the Consent of the Archbishop of the Province for the Time being, (such Consent to be signified by some Writing under the Hand of the consenting Party,) to take down and remove the Palace or Mansion House, Offices, or Outbuildings for which the said Palace or Mansion House, Offices, or Outbuildings to be so built or purchased shall be substituted as aforesaid (if the same or any Part thereof cannot be better applied for the permanent Advantage of the See), and to apply the Materials in or towards any Buildings or other Works for the Purpose of which such

such Money shall be raised as aforesaid, or to sell the same: Provided nevertheless, that all Monies to arise by any such Sale shall be paid to the Person or Persons who shall be nominated and appointed as aforesaid to receive the Money so to be raised by Mortgage; and that the Receipt or Receipts of such Nominee or Nominees shall be a sufficient Discharge or sufficient Discharges to the Person or Persons paying the same; and that such Monies shall be applied by such Nominee or Nominees, in the first place, for all or any of the Purposes for which the Mortgage Money shall be raised, with such Approbation and in such Manner and subject to such Provisions as herein-before is directed and are contained with respect to the Money to be raised by any such Mortgage or Mortgages as aforesaid.

XIII. And be it further enacted, That all Sums of Money recovered or received for Dilapidations, by Suit, Composition, or otherwise, from any former Archbishop or Bishop, or his Representatives, and which shall not have been laid out or expended in rebuilding or Repairs, shall be paid to the Person or Persons who shall be nominated or appointed as aforesaid to receive the Money so to be raised by Mortgage; and the Receipt or Receipts of such Nominee or Nominees shall be a sufficient Discharge or sufficient Discharges to the Person or Persons paying the same Monies; and such Monies shall be applied by such Nominee or Nominees, in the first place, for such Purposes and in such Manner and subject to such Provisions as are herein-before directed and contained with respect to the Money to be raised by any such Mortgage or Mortgages as aforesaid: Provided always, that no Person or Persons, or Body or Bodies Politic or Corporate, who may advance Money upon any such Mortgage or Mortgages as aforesaid, shall be bound to inquire or ascertain whether the Monies which may have been recovered or received for Dilapidations from any former Archbishop or Bishop, or his Representatives, shall have been previously laid out or expended or paid as aforesaid.

XIV. And be it further enacted, That it shall be lawful for the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to advance and lend, at One or more Time or Times, out of the Money which has arisen or shall from Time to Time arise from that Bounty, or from Grants by Parliament in aid thereof, any Sum or Sums of Money by this Act authorized to be raised; and such Mortgage or Mortgages as aforesaid shall be made for Repayment in manner aforesaid by Instalments of the Principal Sum or Sums so to be advanced, with Four Pounds *per Centum per Annum* Interest for the same respectively, by such half-yearly Payments as aforesaid.

XV. Provided always, and be it further enacted, That if, at any Time or Times before all the Purposes for which any Person or Persons may have been appointed Nominee or Nominees under the Provisions of this Act shall have been carried into execution, such Person or Persons, or any Nominee or Nominees who may have been appointed under this present Power, shall die, or decline or become incapable to act, or desire to be discharged from acting in the Execution of the Purposes for which he or they may have been so appointed, or shall misconduct himself or themselves in the Opinion of the Two Archbishops or the Archbishop and Bishop

Dilapidation Monies to be applied for Purposes of the Act.

Mortgagees not bound to inquire as to Application of previous Sums.

Governors of Queen Anne's Bounty may advance any Sums authorized to be raised by this Act.

For appointing new Nominees in certain Cases.

(as the Case may be) by whom he or they shall have been nominated, or their Successors for the Time being, then and so often as the same shall happen it shall be lawful for the said Two Archbishops or the said Archbishop and Bishop for the Time being (as the Case may be), by any Writing under their Hands, to nominate or appoint any other Person or Persons in the Stead or Place of the Nominee or Nominees who shall so die, or decline or become incapable to act, or desire to be discharged, or misconduct himself or themselves as aforesaid; and such Person or Persons so to be nominated or appointed as last aforesaid, upon giving a Bond to the Persons so nominating and appointing him or them as aforesaid, with sufficient Surety, in a sufficient Sum, conditioned for his or their duly applying and accounting for any Money which may come to his or their Hands under this Act, shall and may act or concur in acting in the Execution of the Purposes of such Appointment, with such and the same Powers, and in such and the same Manner, as if he or they had originally been a Nominee or Nominees for the Purposes aforesaid.

Power to purchase House or Land for a Site to build on.

XVI. And be it further enacted, That it shall be lawful for any Archbishop, with the Consent of the other Archbishop and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, and for any Bishop, with the Consent of the Archbishop of the Province and the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, such Consents to be signified by some Writing or Writings under the respective Hands of the consenting Parties, and also by their respectively being made Parties to and executing the Deed or Deeds by which the purchased Property shall be conveyed as herein-after mentioned, to contract for the absolute Purchase of any Freehold Messuage or Mansion House, Offices, or Outbuildings, or for the absolute Purchase of the Fee of any Copyhold Messuage or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, either with or without Land convenient to be held therewith, and also to contract for the absolute Purchase of any Freehold Land, or of the Fee of any Copyhold Land, either with or without any Building or Buildings thereon, as a Site for a Palace or Mansion House, Offices, or Outbuildings, for the Residence or Occupation of himself and his Successors, and for Occupation therewith; which said Premises so to be purchased shall be conveyed and assured unto and to the Use of such Archbishop or Bishop and his Successors in the same See, and be for ever thereafter held and enjoyed by him and them respectively, and be and continue annexed to the said See as Part of the Possessions thereof.

Persons under legal Disability, empowered to sell.

XVII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons and Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuisque Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in any Messuages or Buildings, Lands, Grounds

Grounds or Hereditaments which may be conveniently used or taken for the Purposes of this Act, to contract for, sell, and convey, or, if Copyhold, to enfranchise the same and every Part thereof, unto such Archbishop or Bishop as aforesaid and his Successors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies, Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act.

XVIII. And be it further enacted, That if any Money shall be agreed to be paid for any Messuages or Buildings, Grounds, Lands, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Trustee, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity as herein-before is mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Archbishop or Bishop of the Diocese for whose Residence any such Messuages, Buildings, Grounds, Lands, and Hereditaments shall have been purchased, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages and Buildings, Grounds, Lands, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages or Buildings, Grounds, Lands, or Hereditaments, or affecting other Lands and Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction or Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, or upon such and the like Uses, Intents, and Purposes, and in the same Manner, as the Messuages or Buildings, Grounds, Lands, and Hereditaments, which shall be so purchased, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the same Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant

Application of
Purchase
Money when
it exceeds 200*l*.

1 G. 4. c. 95.

Accountant General in his Name in the Purchase of Three *per Cent.* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* but exceeding 20*l.*

XIX. And be it further enacted, That if any Money so agreed to be paid for any Messuages or Buildings, Grounds, Lands, or Hereditaments purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, the same shall be paid to Three Trustees to be nominated by the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Buildings, Grounds, Lands, and Hereditaments so purchased, and approved of by the Archbishop or Bishop for whose Residence such Messuages, Buildings, Grounds, Lands, and Hereditaments shall have been purchased, such Nomination to be signified by some Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not exceeding 20*l.*

XX. Provided always, and be it further enacted, That where such Money so agreed to be paid for any such Purchase as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages and Buildings, Grounds, Lands, or Hereditaments so purchased, or in case of Infancy, Coverture, Idiocy, Lunacy, or other Incapacity, then to his, her, or their respective Guardian or Guardians, Husband or Husbands, Committee or Committees, Trustee or Trustees.

Certificate of Cashier, and Receipts of Guardians, &c. to be good Discharges.

XXI. Provided always, and be it further enacted, That the Certificate of the Cashier of the Bank of *England* who shall receive any such Purchase Money as is herein-before directed to be paid into the Court of Exchequer shall be a sufficient Discharge for the Purchase Money therein certified to be received; and that the Receipt in Writing of such respective Guardian or Guardians, Husbands or Husband, Committees or Committee, Trustees or Trustee, for any such Purchase Money as is herein-before directed or authorized to be paid to them or him respectively, shall be a sufficient Discharge for the Purchase Money therein acknowledged to be received.

C A P. XIX.

An Act to amend an Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, for consolidating the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*, so as to enable the Grand Jury of the County of *Waterford* to make Presentments on account of the Fever Hospital of the said County, although situate in the County of the City of *Waterford*. [1st July 1839.]

WHEREAS an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, whereby it was among other things enacted, that "where any Fever Hospital has been or shall be established in and for any County it shall and may be lawful for the Grand Jury of such County to present such Sum or Sums of Money, not exceeding the Sum of Two hundred and fifty Pounds, at each Assizes, as shall appear to be necessary for the Support of any such County Fever Hospital, and that such Sum shall be raised off the County at large, and levied and applied accordingly," subject nevertheless to certain Restrictions and Regulations in the said Act contained: And whereas there is not any Fever Hospital established in and for the County of *Waterford*, but there is a Fever Hospital established in the City of *Waterford*, which is used for the Purposes of the said County of *Waterford* as well as for the Purposes of the County of the said City of *Waterford*: And whereas it is expedient to authorize the Grand Jury of the said County of *Waterford* to make such Presentments for the Support of the said Hospital, although the same be not situate in the said County; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Grand Jury of the said County of *Waterford* to present such Sum or Sums of Money, not exceeding the Sum of One hundred and fifty Pounds, at any Assizes, as (regard being had to the Relief afforded by the said Hospital to Persons in or from the County of *Waterford*) it shall appear just and necessary to contribute towards the Support of the said Hospital in respect of such Relief, and that such Sum shall be raised off the said County of *Waterford* at large, and levied and applied accordingly, as if such Hospital were established in the said County of *Waterford*, but subject always to the like Restrictions and Regulations as are by the said Act provided in respect of Presentments for the Support of the Fever Hospital established in and for any County: Provided always, that before any such Presentment shall be made the Grand Juries of the County of *Waterford* and of the County of the City of *Waterford* shall meet at or before the Assizes at which such Presentment shall be made, and shall deliberate and agree upon the Proportions in which they shall respectively contribute towards the Support of the said Hospital; and that the Books of the said Hospital, and an Account of the Receipts and

6&7W.4.c.116.

Grand Jury of County of *Waterford* may make Presentments for Support of the Fever Hospital established in the County of the City of *Waterford* and used for the County of *Waterford*, although not situate in the latter County.

and Expenditure thereof, from the Time of its Establishment to the Time of the first of such Presentments to be made after the passing of this Act, and afterwards from the Time of each Presentment till the Time when any further Presentment is required, shall, together with an Application for the Sum proposed to be presented by the Grand Jury of the said County of *Waterford*, be laid before the Presentment Sessions to be holden under the said Act for the County of *Waterford* at large, and also before the said Grand Jury of the said County by which such Presentment shall be made, and shall be approved at such Sessions and by such Grand Jury respectively; and the Chairman of the said Presentment Sessions and Grand Juries and each and such Grand Jury respectively may call before such Sessions and Grand Juries or Grand Jury respectively, and examine on Oath, every Officer of the said Hospital: Provided also, that the Presentments to be so made by the Grand Jury of the County of the City of *Waterford* and the Grand Jury of the County of *Waterford*, at any Assizes at which the Grand Jury of the County of *Waterford* shall so present any Sum or Sums of Money, shall be passed and fiat before one and the same Judge or before both the Judges of Assize who shall act under the Commission for the said County and County of the City of *Waterford* at such Assizes.

Grand Jury at the next Assizes may present, &c.

II. Provided also, and be it enacted, That it shall be lawful for the Grand Jury of the County of *Waterford* so to present at the Assizes for the said County which shall be holden next after the passing of this Act, although no such Application shall have been made and approved of at any Presentment Sessions, if a Majority of the Justices of the Peace for the said County and of the Cess-payers appointed according to the said recited Act to attend the Presentment Sessions for the County of *Waterford* at large which shall have been holden next before such Assizes shall not memorialize the Grand Jury of the said County at such next Assizes against such Presentment.

Grand Jury of Waterford may present such Sums not exceeding 300*l.* as may have been paid out of the Grand Jury Cess of the County of the City, in relief of Persons in or from the County.

III. And be it enacted, That it shall be lawful for the Treasurer of the Grand Jury of the County of the City of *Waterford*, if they shall so direct, to make Application at the Presentment Sessions for the County of *Waterford* at large which shall be holden next after the Assizes which shall be holden next after the passing of this Act for Payment of such Sum or Sums, not exceeding in the whole the Sum of Three hundred Pounds, which shall appear to have been, prior to the said next Assizes, paid or expended out of the Grand Jury Cess or Public Monies of the County of the City of *Waterford* towards the Support of the said Hospital in respect of Relief afforded to Persons in or from the said County of *Waterford*, or which it shall appear just that the said County of *Waterford* should contribute in respect of such Relief, and thereupon it shall be lawful for the said Presentment Sessions to allow or approve of such Application as to the Whole or any Part of the Sum which shall be so applied for; and it shall be lawful for the Grand Jury of the County of *Waterford*, at the then next ensuing Assizes, to allow or approve and present the Whole or any Part of the Sum which shall be so allowed or approved by such Presentment Sessions; and the Sum so presented shall be raised off the County of *Waterford* at large in like Manner as the Amount of any other Presentment,

Presentment, and shall be paid over to the Treasurer of the Grand Jury of the County of the City of *Waterford*, and form Part of the Public Money of the said County of the City of *Waterford*, and be applied to such public Purposes in aid of the Grand Jury Cess of the said County of the City of *Waterford* as such Grand Jury Cess shall be applicable to, and as the Grand Jury of the County of the City of *Waterford* shall direct, and shall be brought into the Accounts of the said Treasurer accordingly: Provided always, that the Books of the said Hospital, and an Account of the Receipt and Expenditure thereof, and also of the Treasurer of the said County of the City of *Waterford*, for such Time as the Chairman of the said Presentment Sessions or the said Grand Jury of the said County of *Waterford* shall desire, shall be laid before the said Presentment Sessions and the said Grand Jury of the County of *Waterford* respectively; and the Chairman of the said Sessions may and the said last-mentioned Grand Jury shall call before them and examine on Oath all the Officers of the said Hospital, and also the Treasurer and Secretary of the Grand Jury of the County of the City of *Waterford*.

Books and Accounts of the Hospital may be required by the Grand Jury, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. XX.

An Act to authorize the Application of Part of the Land Revenues of the Crown for the Erection of Stables and Stable Offices contiguous to *Windsor Castle*.

[1st July 1839.]

WHEREAS for the more convenient Occupation by the Queen's most Excellent Majesty, and Her Royal Establishment, of the Palace of *Windsor Castle* in the County of *Berks*, it is necessary that Stables and Stable Offices should be erected and built contiguous to the said Palace: And whereas it is expedient that the Hereditary Revenues belonging to Her Majesty in right of Her Crown should be made applicable, by and with the Consent and Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, to the Purpose of defraying the Costs, Charges, and Expences of erecting, building, and completing such Stables and Stable Offices aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, (by and with the Consent and Approbation of the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them,) to pay, apply, and appropriate any Sum or Sums of Money (not exceeding in the whole the Sum of Seventy thousand Pounds), already arisen or which shall or may hereafter arise from Sales of Portions of the Land Revenues of the Crown under their Care and Management, in and towards the Payment and Discharge of the Costs, Charges, and Expences of erecting, building, and completing Stables

Part of the Land Revenues may be appropriated for the Purpose of building Stables, &c. at Windsor.

Stables and Stable Offices contiguous to Her Majesty's Palace of *Windsor Castle* aforesaid, for the Convenience and Accommodation of Her Majesty and Her Royal Establishment at *Windsor*.

Stables, &c.
when built to
be vested in
Her Majesty.

II. And be it enacted, That the said Stables and Stable Offices so to be erected and built as aforesaid shall, together with the Site of the same, become and be vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Revenues belonging to Her Majesty in right of the Crown.

C A P. XXI.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-nine. [4th *July* 1839.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty's most dutiful and loyal Subjects, the
‘ Commons of the United Kingdom of *Great Britain* and
‘ *Ireland* in Parliament assembled, towards raising the necessary
‘ Supplies to defray Your Majesty's public Expences, have freely
‘ and voluntarily resolved to give and grant unto Your Majesty the
‘ Duties herein-after mentioned;’ and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, shall be further continued until the Fifth Day of *July* One thousand eight hundred and forty.

Duties imposed by
6 & 7 W. 4. c. 26.
continued till
5th July 1840.

Collection of
the Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like Manner as if the said Duties had been continued to the Fifth Day of *July* One thousand eight hundred and forty by the said recited Act.

Bounties on
certain Descriptions
of refined
Sugar.

III. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the last Session of Parliament, for granting certain Duties on Sugar, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force or be further continued by any Act hereafter to be passed.

Her Majesty
may allow the
Importation of
Sugar the
Growth of certain
British

IV. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British* Possession within the Limits of the *East India* Company's Charter is prohibited, it shall be lawful for Her Majesty, by and with the Advice

Advice of Her Privy Council, or by Her Majesty's Order in Council to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British Possession* at the lower Rate of Duty in the said first-recited Act specified, in like Manner and under the same Restrictions and Conditions as Sugar the Growth of the Presidency of *Fort William* in *Bengal* may be imported subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

Possessions at the lower Rate of Duty.

" Separate Accounts to be kept in the Exchequer of the Duties arising in *Great Britain*. Duties arising in *Ireland* to be paid into the Exchequer there, § 5. The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*—§ 6. Powers of 48 *G. 3. c. 1.* extended to this Act, § 7. Exchequer Bills to bear an Interest, § 8. Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 *W. & M. c. 20.*—§ 9. Bills to be delivered to the Bank of *England* as Security for Advances, § 10. Exchequer Bills to be charged on the Duties granted by this Act, § 11. Money due to be paid out of next Aids, § 12. Surplus Monies to be carried to Consolidated Fund, § 13. Treasurer to allow necessary Charges of making forth new Exchequer Bills, § 14. Monies issued to be replaced out of first Supplies, § 15. Act may be altered, § 16."

C A P. XXII.

An Act to enable Justices of Assize on their Circuits to take Inquisition of all Pleas in the Court of Exchequer of Pleas which shall be brought before them without a Special Commission for that Purpose. [4th July 1839.]

WHEREAS by the Statute commonly called "The Statute of *Westminster* the Second," passed in the Thirteenth Year of the Reign of King *Edward* the First, the Justices of Assize on their several Circuits are empowered to take Inquisitions of all Pleas in the Courts of Queen's Bench and Common Pleas: And whereas it is expedient to extend the said Power to Pleas in the Court of Exchequer, in order to put an end to the Practice which has hitherto obtained of issuing a separate Commission from the said Court upon each Record brought therefrom before the Judges of Assize: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for all Justices of Assize, and they are hereby authorized and empowered, on their respective Circuits, to try Causes and take Inquisitions of Pleas pending in the Court of Exchequer of Pleas which shall be brought before them, and to proceed thereon in like Manner as they can or may do in respect of Causes and Pleas pending in the Courts of Queen's Bench and Common Pleas under and by virtue of the said Act, or by any other Law, Statute, or Usage whatsoever; and that it shall not be necessary hereafter to issue any Commission from the said Court of Exchequer of Pleas for that Purpose.

Stat. West. 2.
13 Edw. 1.
c. 30.

Justices of Assize may try Causes, &c. pending in the Exchequer without a Special Commission.

C A P. XXIII.

An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Paper made in the United Kingdom. [19th July 1839.]

Duties. ‘ **W**HEREAS the Laws for collecting and securing the Duties of Excise on Paper, Button-board, Mill-board, Paste-board, and Scale-board have become numerous and complicated, and it is expedient to consolidate and amend the same:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be raised, levied, and collected, allowed, granted, and paid, the Duties, Allowances, and Drawbacks of Excise following; (that is to say,)

Allowances. On every Pound Weight Avoirdupois of all Paper, Glazed Paper, Sheathing Paper, Button Paper, or by whatsoever Name any Paper may be known, and on all Button-board, Mill-board, Paste-board, and Scale-board, made in the United Kingdom, a Duty of One Penny Halfpenny:

For all such Glazed or other Press Papers, made and charged with Duty in the United Kingdom, for Clothiers and Hot-pressers, as shall be actually and *bond fide* used, employed, and consumed in the pressing Woollen Cloths and Stuffs in the United Kingdom, an Allowance of One Penny Halfpenny the Pound Avoirdupois:

For all Paper made and charged with Duty in the United Kingdom which shall be used in the printing of any Books in the Latin, Greek, Oriental, or Northern Languages within the Universities of *Oxford* and *Cambridge*, or within the Universities of *Scotland*, or the College of the Holy and Undivided Trinity of Queen *Elizabeth*, *Dublin*, by Permission of the Vice Chancellors, Rectors, or Principals or Provost of the said Universities respectively, or which shall be used in the printing of Bibles, Testaments, Psalm Books, Books of Common Prayer of the Church of *England*, the Book commonly called or known in *Scotland* by the Name of “The Confession of Faith,” or the Larger or Shorter Catechism of the Church of *Scotland*, within the Universities of *Oxford* and *Cambridge*, and *Trinity College, Dublin*, by Permission of the Vice Chancellors or Provost of the same, or by the Queen’s Printers in *England, Scotland, and Ireland* respectively, an Allowance of One Penny Halfpenny the Pound Avoirdupois:

Drawbacks. For every Pound Weight Avoirdupois of all Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, and Scale-board made and charged with Duty in the United Kingdom, and which shall be duly exported as Merchandize, a Drawback of One Penny Halfpenny:

For every Pound Weight Avoirdupois of printed Books in perfect and complete Sets, or, if periodical Publications, in perfect Parts or Numbers, and of blank, plain, or ruled Account Books, whether bound or unbound, made of or printed or ruled on Paper made and charged with Duty in the United Kingdom,

Kingdom, and which shall be exported as Merchandize, a Drawback of One Penny Halfpenny:

For every Dozen Square Yards of Paper made and charged with Duty, and printed, painted, or stained, in the United Kingdom, and exported as Merchandize, a Drawback of Two-pence.

II. And be it enacted, That the said Duties, Allowances, and Drawbacks shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same Manner as other the Duties, Allowances, and Drawbacks under the Management of the said Commissioners, and shall be charged, raised, levied, sued for, granted, and paid under the Provisions of this Act, and under the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

Duties and Drawbacks to be under the Management of Commissioners of Excise.

III. And be it enacted, That every Paper Maker shall, before beginning to make or manufacture any Paper of any Description, or any Button-board, Mill-board, Paste-board, or Scale-board, or to prepare any Materials for the same, make a true and particular Entry in Writing, signed by such Paper Maker (or by each such Paper Maker in case of Partnership), of every Mill, Workhouse, Storehouse, and other Place intended to be made use of for the making, drying, or keeping of Paper of any Description, or Button-board, Mill-board, Paste-board, or Scale-board, or for the keeping or preparing of any Materials for making the same, and of all Engines, Chests, Machines, Vats, and Presses intended to be used in or for the making of Paper of any Kind, or Button-board, Mill-board, Paste-board, or Scale-board, or in preparing the Materials for the same, by delivering such Entry to the Officer of Excise in whose Survey his Mill or Premises shall be situated; and in every such Entry every Workhouse, Storehouse, and other Place, and every Engine, Chest, Machine, Vat, and Press, shall be distinguished by a particular Number or Letter, or Number and Letter or Letters; and in default thereof such Paper Maker shall, for every unentered Mill, Workhouse, Storehouse, or Place, Engine, Chest, Machine, Vat, and Press, forfeit Two hundred Pounds, together with all Paper, Button-board, Mill-board, Paste-board, or Scale-board and all Materials found therein: Provided always, that nothing herein-before contained shall require any Paper Maker to make Entry of any Half Stuff Mill, or of any Warehouse or Storehouse, not forming Part of nor communicating with his Paper Mill, and used wholly and solely for the preparing of Half Stuff, or for storing or keeping of Rags or other Materials, and in which no Paper, Button-board, Mill-board, or Scale-board, nor any Pulp, shall be made or prepared.

Paper Makers to make Entry of their Premises.

IV. And be it enacted, That every Paper Maker shall mark and number, and at all Times keep marked and numbered, every Workhouse, Storehouse, and other Place, and every Engine, Chest, Machine, Vat, and Press, by him made use of for the making, drying, or keeping of any Kind of Paper, Button-board, Mill-board, Paste-board, or Scale-board, or for keeping or preparing the Materials for the same, with distinguishing Numbers or Letters or Numbers and Letters corresponding to the Description thereof

Workhouses, Storehouses, &c. to be kept marked and numbered.

and united with Paste or Glue or other binding Cement, and pressed and dried thereon, and which Label, when such Ream, Half Ream, or Parcel is tied up, shall be on the Top thereof, or on such other Part of the Ream, Half Ream, or Parcel as the Commissioners of Excise shall direct; and every such Ream, Half Ream, or Parcel shall, as soon as made up and enclosed in the Wrapper or Wrappers, be immediately firmly and securely tied up with strong Thread or String; and when and so soon as any Ream or Half Ream or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board shall be tied up in manner aforesaid, the Maker thereof shall write or print, in large and legible Letters, with durable Ink, on the Label affixed on the Top thereof as aforesaid, the Description or Denomination and the Contents of such Ream, Half Ream, or Parcel, whether Paper, Glazed Paper, Sheathing Paper, or Button Paper, or Button-board, Mill-board, Paste-board, or Scale-board; and every Paper Maker who shall neglect or refuse to enclose and tie up any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board, in a Wrapper or Wrappers, to which, or to One of which Wrappers, One of such Labels shall have been affixed according to the Directions herein-before given, or immediately to write or print in manner aforesaid the Particulars required to be written or printed on the Label affixed on each Ream, Half Ream, or Parcel, shall forfeit Ten Pounds for every Ream, Half Ream, or Parcel not enclosed and tied up according to the Directions aforesaid, or not having written or printed in manner aforesaid on the Label affixed to the Wrapper the Particulars herein-before required to be written or printed thereon, and every such Ream, Half Ream, or Parcel shall also be forfeited.

Quantities in which Paper, &c. is to be tied up.

XI. And be it enacted, That a Ream of Paper, other than Glazed Paper, Sheathing or Button Paper, shall consist of Twenty Quires, each Quire containing Twenty-four Sheets, or Forty Half Quires, each Half Quire being Twelve Sheets; and a Half Ream of Paper shall consist of Ten Quires, or Twenty Half Quires, save and except the Ream or Half Ream of Paper for printing, which may consist of any Number of Sheets not exceeding Five hundred and sixteen Sheets the Ream, or Two hundred and fifty-eight Sheets the Half Ream, and save and except the outside Quires of any Ream of Paper, which may consist of any Number of Sheets not less than Twenty nor more than Twenty-four; and a Parcel of Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, or Scale-board shall consist of even Dozens of Sheets of one and the same Denomination or Description, and of equal Dimensions, and not less than Twenty-four nor more than Seventy-two such Sheets in each Parcel; and all Paper, Glazed Paper, Sheathing Paper, Button Paper, Button-board, Mill-board, Paste-board, or Scale-board which shall be made up or tied up in any other Quantities than as aforesaid shall be forfeited.

When Parcels less than a Ream, &c. may be made up.

XII. Provided always, and be it enacted, That if from the Size of the Sheets, or from any other Cause, it shall be necessary for any Paper Maker to make and tie up any Paper, other than Glazed Paper, Sheathing Paper, or Button Paper, in any less Quantities than a Ream or Half Ream, it shall be lawful for such Paper Maker

Maker to make and tie up such Paper in Parcels containing a less Number of Sheets than a Ream or Half Ream, provided that he write and specify on the Label attached to the Wrapper of such Parcel the true Number of Sheets of Paper contained therein: Provided always, that no Paper shall be made up into any such Parcel or into any Half Ream weighing less than Twenty Pounds.

Not to weigh less than 20 lbs.

XIII. And be it enacted, That it shall be lawful for any Paper Maker, before tying up any Paper, Button-board, Mill-board, Paste-board, or Scale-board into Reams, Half Reams, or Parcels, to cut the Edges thereof, and also for any Paper Maker to make his Papers into Quires without folding the same, such Quires, when made up into Reams or Half Reams, being separated by a Slip of coloured Paper.

Paper Maker, before tying up Paper, may cut Edges, &c.

XIV. And be it enacted, That every Paper Maker shall, at the Time when any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board is tied up as hereinbefore directed, or at or before the Time when the same is or shall be produced to be weighed and charged with Duty by the Officer of Excise, write on the Label on every such Ream, Half Ream, and Parcel respectively the Weight thereof in large and legible Letters, and in Words at length, joining to the Words expressing the Weight the Letters "lbs.," or the Word "Pounds," on pain of forfeiting for every Omission or Neglect the Sum of Ten Pounds, and the Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board.

Weight of Ream or Parcel to be written on the Label.

XV. And be it enacted, That whenever any Paper Maker shall be desirous to have any Paper, Button-board, Mill-board, Paste-board, or Scale-board weighed and charged with Duty, such Maker shall give to the Officer of Excise under whose Survey he shall be Twenty-four Hours (if the Mill of such Maker shall be situate in a City or Market Town, and if situate out of a City or Market Town Forty-eight Hours) Notice in Writing of the particular Day and Hour of the Day when he intends to have his Paper, Button-board, Mill-board, Paste-board, or Scale-board weighed and charged with Duty; and in case such Paper Maker shall not, at the Time mentioned in such Notice, or within One Hour after, produce to the Officer all the Paper, Button-board, Mill-board, Paste-board, or Scale-board then to be charged with Duty, the Notice given for weighing and charging the same shall be null and void, and such Paper Maker shall be obliged to give a fresh and like Notice: Provided always, that no other Time shall be specified in any such Notice for the weighing and charging of any Paper, Button-board, Mill-board, Paste-board, or Scale-board than between the Hours of Six of the Clock in the Morning and Six of the Clock in the Afternoon, and every Notice in which any other Time for the said Purpose shall be specified shall be null and void.

Paper Maker desirous of having any Paper, &c. weighed and charged with Duty to give Notice to the Officer.

XVI. And be it enacted, That the proper Officer of Excise shall from Time to Time attend in pursuance of the Notice so to be given as aforesaid, and as soon as such Officer shall so attend, or within One Hour afterwards, all the Paper, Button-board, Mill-board, Paste-board, or Scale-board then intended to be charged with Duty shall be produced to him, made up, enclosed, and tied up in Reams, Half Reams, or Parcels, with the Particulars required written or printed on the Labels, according to the Regulations

At the Time specified in the Notice the proper Officer to attend, and weigh the Paper, and charge and stamp it.

herein-

herein-before by this Act prescribed, and such Officer shall thereupon proceed to weigh and charge with Duty all the said Paper, Button-board, Mill-board, Paste-board, and Scale-board so produced to him; and every Paper Maker shall, by himself or his Workmen or Servants, as and when each Ream or Half Ream or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board is put into or taken out of the Scale, write on the Label affixed to the Wrapper thereof the proper progressive Number of such Ream, Half Ream, or Parcel, and the Quarter and Year in which the same is so weighed and charged, according to the Number of Reams, Half Reams, and Parcels of Paper, Button-board, Mill-board, Paste-board, and Scale-board respectively made by such Paper Maker at his Mill during the current Quarter of the Year, to be computed from the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in each Year, such Number to be taken progressively, beginning One, Two, and so onwards, according to the Number of Reams, Half Reams, and Parcels of Paper, Button-board, Mill-board, Paste-board, and Scale-board respectively made at such Mill in each such Quarter of a Year; and the Officer of Excise, having weighed such Paper, Button-board, Mill-board, Paste-board, or Scale-board respectively, and having seen the progressive Number and Year and Quarter so written on the Labels of the respective Reams, Half Reams, or Parcels thereof, shall write upon the Label of each Ream, Half Ream, and Parcel respectively so weighed by him the Day of the Month and Year on which the same shall be so weighed and charged with Duty by him, together with any other Particulars directed by the Commissioners of Excise, and sign the same with his Christian and Surname, and shall thereupon stamp every such Ream, Half Ream, and Parcel with the Stamp denoting the Charge of Duty on the Top of every such Ream, Half Ream, or Parcel respectively, Part of the Impression of such Stamp being on the Label and Part thereof on the Wrapper, and shall also stamp every such Ream, Half Ream, and Parcel respectively, on each Side thereof, across the Edges of the upper and lower Wrappers where they join or overlap, and on such other Parts of the Wrapper or Wrappers as he may see fit.

Allowing Paper
to be tied up,
charged, and
sent out on
Rollers.

XVII. 'And whereas it is expedient to make Provision for
' Paper being tied up and charged with Duty, and sent out in
' single Sheets on the Rollers on which the same may be rolled or
' received from the Machine, without cutting or making the same
' up into Reams;' be it enacted, That every Paper Maker who shall
intend so to send out any Paper shall, before using any Roller or
Rollers, mark the true Weight of every such Roller in legible
Letters or Numbers on the End thereof, and shall continue the
same so marked, and shall upon each Occasion of using the same
produce every such Roller so marked to the Officer of Excise sur-
veying his Mill, who shall ascertain that such Weight is correctly
marked, and shall sign his Name or Initials under such Mark; and
every such Paper Maker shall cause all such Paper, as soon as
received from the Machine, to be tied up, as herein-before directed,
in a Wrapper or Wrappers, on or to which, or One of them, a
Label has been firmly and permanently fixed and united, but in
such Manner that the End of the Roller having the Weight thereof
marked

marked thereon shall be open and visible to the Officer of Excise, and shall write upon such Label all the Particulars herein-before required to be written by the Paper Maker on the Label; and it shall be lawful for the Officer of Excise weighing and charging with Duty any such Paper, and he is hereby empowered and required, to deduct and allow from the Weight thereof the even Pounds (Fractions of a Pound being disregarded) marked on the End of the Roller on which each Parcel of such Paper shall be rolled, and the Remainder shall be taken as the Weight of the Paper on which the Duty shall be charged: Provided always, that no such Deduction or Allowance shall be made in the Case of any Paper which shall be produced to the Officer of Excise in any Parcel not having the End of the Roller open and visible to the Officer of Excise, or rolled on any Roller which shall not have the true Weight legibly and clearly marked on the End thereof as herein-before directed.

XVIII. And be it enacted, That every Paper Maker shall keep all Paper, Button-board, Mill-board, Paste-board, and Scale-board, after the same shall have been weighed and charged with Duty by the Officer of Excise, separate and apart from all other Paper, Button-board, Mill-board, Paste-board, and Scale-board, and shall not remove or convey away the same from the Place where it shall have been weighed for the Space of Twenty-four Hours from the Time when such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been so weighed and charged with Duty, unless the same shall be sooner re-weighed by the Surveyor or Supervisor of Excise, to the end that such Surveyor or Supervisor may have an Opportunity of re-weighing the same after the Officer; and if upon the re-weighing of any Paper, Button-board, Mill-board, Paste-board, or Scale-board any additional Weight shall be found, such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall be liable to and shall be charged with the Duty of Excise according to such last-mentioned Weight; and every Paper Maker who shall not keep all Paper, Button-board, Mill-board, Paste-board, and Scale-board which shall have been so weighed and charged with Duty separate and apart from all other Paper for the said Space of Twenty-four Hours, or who shall remove the same from the Place where weighed before the Expiration of the said Time, unless the same shall have been re-weighed by the Surveyor or Supervisor of Excise, shall forfeit Fifty Pounds.

XIX. Provided always, and be it enacted, That if in any Case any Paper Maker shall give a Notice for weighing Paper, Button-board, Mill-board, Paste-board, or Scale-board at such a Time as that the Twenty-four Hours for re-weighing will not or may not expire before some Hour of the Day on *Sunday*, and such Paper Maker shall in such Notice for weighing specify that he is desirous such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall not be re-weighed on the *Sunday*, it shall not be lawful for the Surveyor or Supervisor (if unable to attend on the *Saturday*) to re-weigh such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or to require any Assistance in re-weighing the same, on the *Sunday*; but in every such Case all such Paper, Button-board, Mill-board, Paste-board, and Scale-board shall continue to be kept separate, and shall not be removed or conveyed away from the

Paper, &c. after being weighed, to be kept separate for Twenty-four Hours, unless sooner re-weighed.

If Paper Maker shall desire Paper, &c. not to be re-weighed on *Sunday*, it shall be kept over to the *Monday*.

the Place where weighed before the Hour of Twelve o'Clock on the *Monday*, unless sooner weighed by the Surveyor or Supervisor.

Paper Maker to keep sufficient Scales and Weights, and allow the Officers of Excise to use them.

XX. And be it enacted, That every Paper Maker shall and he is hereby required to keep just and sufficient Scales and Weights at the Place in his Mill where he shall produce to be weighed and charged with Duty any Paper, Button-board, Mill-board, Paste-board, or Scale-board, and shall also permit and suffer any Officer of Excise to use the same for weighing or re-weighing any Paper, Button-board, Mill-board, Paste-board, or Scale-board; and every Paper Maker who shall refuse or neglect to keep such Scales or Weights, or either of them, or who shall not permit or suffer any Officer of Excise to use the same for the Purpose aforesaid, shall forfeit One hundred Pounds; and every Paper Maker who shall, in the weighing of any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Roller, make use of, or procure or suffer to be made use of, any false or unjust or insufficient Scales or Weights, or shall make use of any Force or Violence, or practise any Art, Device, or Contrivance, by which any Officer of Excise may be hindered or prevented or deceived in taking the true Account or Weight of any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or charging the true Amount of Duty thereon, or in ascertaining the true Weight of any Roller, shall forfeit Three hundred Pounds, together with all the Paper, Button-board, Mill-board, Paste-board, or Scale-board, and every Roller weighed or produced to be weighed, and all such unjust or insufficient Scales or Weights.

Paper Maker at all Times to bring his Paper to be weighed, and assist the Officer in weighing.

XXI. And be it enacted, That every Paper Maker shall, when and as often as he shall be thereunto required by any Officer of Excise, bring or cause to be brought, and put into and taken out of the Scale, all Paper, Button-board, Mill-board, Paste-board, and Scale-board in the Mill of such Paper Maker which any such Officer shall be desirous to weigh and take an Account of, or to re-weigh, and shall also, on the Request of such Officer, with a sufficient Number of his Servants, aid and assist such Officer in weighing and taking an Account of or in re-weighing all such Paper, Button-board, Mill-board, Paste-board, and Scale-board, on pain of forfeiting for every Refusal or Neglect Fifty Pounds.

In weighing Paper, &c. for Charge of Duty, the Turn of the Scale to be given in favour of the Crown, &c.

XXII. And be it enacted, That in the weighing and re-weighing of all Paper, Button-board, Mill-board, Paste-board, and Scale-board for the Purpose of charging the Duty of Excise thereon the Turn of the Scale shall be given in favour of the Crown, and in lieu thereof there shall be allowed to the Paper Maker Two Pounds Weight upon each and every One hundred Pounds Weight of such Paper, Button-board, Mill-board, Paste-board, and Scale-board weighed, and so in proportion for any greater or lesser Quantity: Provided always, that no Weight less than a Pound Weight shall, in the weighing of any Paper, Button-board, Mill-board, Paste-board, or Scale-board for the Charge of Duty, be made use of or allowed to be made use of by any Paper Maker, on pain of forfeiting the said Allowance.

Paper, &c. not charged with Duty to be kept separate.

XXIII. And be it enacted, That every Paper Maker shall at all Times keep all Paper, Button-board, Mill-board, Paste-board, and Scale-board in his Custody and Possession which shall not have been

been weighed by the Officer of Excise, and charged with Duty, separate and apart from all Paper, Button-board, Mill-board, Paste-board, and Scale-board which shall have been so weighed and charged, on pain of forfeiting One hundred Pounds.

XXIV. And be it enacted, That every Paper Maker who, after any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been so made and tied up, and the Particulars herein-before required written or printed on the Label on the Wrapper thereof, shall, either before or after such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been weighed and charged with Duty by the Officer of Excise, make any false Entry on the Label affixed on the Cover or Wrapper of any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or deface, obliterate, extract, or fraudulently alter any of the Particulars written or printed by such Paper Maker, or by the Officer of Excise, or shall take off, remove, or detach, or cause or permit or suffer to be taken off or removed or detached, any such Label from the Cover or Wrapper of any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board, made and tied up under the Directions of this Act, or who shall use any Label, or any Wrapper to which any Label is affixed, to cover or tie up any other Paper, Button-board, Mill-board, Paste-board, or Scale-board than that contained in such Wrapper, with such Label when first tied up, or who shall, after any Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been weighed and charged with Duty, open any Ream, Half Ream, or Parcel, and remove any Paper, Button-board, Mill-board, Paste-board, or Scale-board out of the Wrapper or Wrappers in which the same shall have been so weighed and charged, or who shall add any other Paper, Button-board, Mill board, Paste-board, or Scale-board thereto, or shall in any respect make any Alteration in any such Ream, Half Ream, or Parcel, shall for every such Label, Wrapper, Ream, Half Ream, and Parcel respectively in respect of which any such Offence shall be committed forfeit Twenty Pounds, and every such Label and Wrapper, Ream, Half Ream, and Parcel, with the Paper, Button-board, Mill-board, Paste-board, or Scale-board contained therein, shall also be forfeited.

XXV. And be it enacted, That every Paper Maker shall, daily, and every Day, enter or cause to be entered in a Book to be provided by the Commissioners, and delivered to him by the Officer of Excise for that Purpose, a true and particular Account of all Paper, Button-board, Mill-board, Paste-board, and Scale-board, and of the Number of Reams, Half Reams, or Parcels, and the progressive Number, Quarter, and Year of every Ream, Half Ream, and Parcel thereof respectively, which shall be delivered or sent out from his Mill by any such Maker, and of the Date when sent out, and of the Place to which and the Conveyance by which the same shall be sent; and such Book shall be at all Times kept on the entered Premises of every such Paper Maker open to the Inspection of any Officer of Excise surveying the said Premises, who shall be at liberty to make any Entry therein or Extract therefrom; and every Paper Maker who shall neglect or refuse to keep such Book, or to daily make or cause to be made due Entries therein as aforesaid,

or

Paper Maker not to open any Ream, &c. after being tied up, or take out or put in any Paper, &c., or alter any of the Particulars on the Label.

Penalty.

Paper Maker to enter daily in a Book an Account of the Paper sent out from his Mill.

or who shall make or cause or permit to be made any false Entry therein, or shall cancel, obliterate, or destroy or fraudulently alter any Entry made therein, or tear out or destroy any of the Leaves of such Book, or shall hinder or obstruct any Officer of Excise from or in inspecting such Book, or making any Entry therein or any Extract therefrom, shall forfeit Two hundred Pounds.

Penalty on Paper Maker sending out any Paper, &c. otherwise than required by this Act.

XXVI. And be it enacted, That every Paper Maker who shall sell, send out, deliver, or remove any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board, without the same being tied up in a Wrapper or Wrappers on which, or on the uppermost of which, One of such Labels as is by this Act required shall have been permanently affixed, or not having written or printed on the Label affixed to the Wrapper all the Particulars by this Act required to be written and printed on such Label, shall, in respect of every such Ream, Half Ream, or Parcel so sold, sent out, delivered, or removed, forfeit Twenty Pounds, and every such Ream, Half Ream, or Parcel which shall be found in the Possession of any Person not having such Label, with the Particulars aforesaid thereon, shall also be forfeited.

Every Ream or Parcel of Paper, &c. different from the marked Weight to be forfeited.

XXVII. And be it enacted, That if any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board shall at any Time, on being weighed by any Officer of Excise, either at the Mill where manufactured or elsewhere, be found to weigh under or over the Weight marked, written, or printed on such Ream, Half Ream, or Parcel by the Maker thereof as herein-before required, in the Proportion of Five *per Centum* if the Weight marked on such Ream, Half Ream, or Parcel exceed Twenty Pounds, or Ten *per Centum* if such Weight be Twenty Pounds or less, the same shall be forfeited.

Paper Maker sending out any Paper before charged with Duty to forfeit 300*l*.

XXVIII. And be it enacted, That every Paper Maker who shall sell, send out, remove, or deliver any Paper, Button-board, Mill-board, Paste-board, or Scale-board before the Duty thereon shall have been fully charged by the proper Officer of Excise, or who shall hide or conceal, or cause to be hidden or concealed, or shall remove or convey away or deposit, or cause to be removed or conveyed away from or deposited, in any Place, any Paper, Button-board, Mill-board, Paste-board, or Scale-board, to evade the Duty chargeable thereon, or any Part thereof, shall, over and above all other Penalties, forfeit Three hundred Pounds, together with all such Paper, Button board, Mill-board, Paste-board, and Scale-board respectively.

Regulations under which Paper may be removed from one Mill to another to be sized or finished.

XXIX. Provided always, and be it enacted, That if any Paper Maker shall be desirous at any Time of sending any Paper, before the same is charged with Duty, from the Mill at which the same shall be made to any other Mill, there to be sized or finished fit for Use, or to be used as Wrappers in tying up Paper, Button-board, Mill-board, Paste-board, or Scale-board, such Maker shall give to the Officer of Excise under whose Survey he shall be Forty-eight Hours Notice in Writing of such his Intention, specifying in such Notice the Time when such Paper is to be sent out, and thereupon such Officer shall attend at the Time specified in such Notice, and take an Account of all such Paper as shall be produced to him, and shall grant a Certificate, specifying the Quantity and Kind of such Paper, and the Mill from which and the Mill to which such Paper is

is to be removed, and thereupon it shall be lawful for the Maker thereof to remove such Paper, accompanied with such Certificate, to the Mill specified therein; and all such Paper, when removed to the Mill where the same is to be sized or finished for Use, or used as Wrappers, shall be at such Mill under the like Directions as to tying up, labelling, marking, and stamping, and all other Matters and Things, as if the same had been sized or finished or used for Wrappers at the Mill where made, or as if made in the Mill to which the same shall be removed.

XXX. And be it enacted, That every Paper Maker who shall receive into his Possession or have delivered at his Mill any Paper, Button-board, Mill-board, Paste-board, or Scale-board which shall have been charged with Duty at any other Mill, or which shall have been sent out by such Maker, and returned from any Customer or other Person, shall mark, write, or print on and distinguish every Ream, Half Ream, or Parcel of such Paper, Button-board, Mill-board, Paste-board, or Scale-board, with the Number or Letter of the Mill at which the same shall have been charged with Duty, or with the Word "Returned" respectively, as the Case may be, and shall keep all such Paper, Button-board, Mill-board, Paste-board, or Scale-board respectively separate and apart from each other, and from all other Paper, Button-board, Mill-board, Paste-board, and Scale-board, and shall, on the next succeeding Visit of the Officer of Excise under whose Survey he shall be, give such Officer Notice in Writing thereof, specifying in each such Notice the progressive Number and Weight of each such Ream, Half Ream, or Parcel, the Number or Letter of the Mill where charged with Duty, the Date of the Charge, and the Person from whom and the Place from whence and the Day when received by such Paper Maker, and shall also produce to such Officer all such Paper, Button-board, Mill-board, Paste-board, and Scale-board respectively, and assist such Officer in taking a true and particular Account thereof; and every such Paper Maker shall, before he shall again send out, remove, or deliver from his Mill any such Paper, Button-board, Mill-board, Paste-board, or Scale-board, write or print on the Label or Cover of the Wrapper or Cover thereof the distinguishing Number or Letter of his own Mill, on pain of forfeiting for every Neglect or Omission the Sum of Fifty Pounds, and all the Paper so received by or returned to him.

XXXI. And be it enacted, That no Paste-board shall be made by any Maker of Paste-board, not being also a Maker of Paper, from any Material whatever, save and except Paper which shall have been charged with the full Duties of Excise payable thereon, and which shall not have been printed or written on or previously used for any Purpose whatever, on pain of forfeiting all the Paste-board which shall be so made from any other Materials, and also all the Implements and Utensils and Materials and Preparations employed or used in the making thereof, and One hundred Pounds.

XXXII. And be it enacted, That every Maker of Paste-board, not being also a Maker of Paper, shall before he shall begin to make any Paper into Paste-board, produce to the Officer of Excise under whose Survey he shall be all such Paper as shall be intended to be made into Paste-board in the original Wrappers in which the same shall have been charged with Duty, and having on each

Regulations as to Paper charged with Duty at another Mill, or returned from a Customer.

Makers of Paste-board, not being Makers of Paper, to use only Duty-charged Paper.

Maker of Paste-board, not being also a Maker of Paper, to produce to the Officer all Paper

each

before making use of it, in order to its being taken account of.

each Ream the Label, with the Particulars herein-before required legibly written thereon, and the Impressions of the Duty Stamp, and shall take the said Wrappers from the said Paper, and destroy the same in the Presence of such Officer, who shall thereupon take an Account of such Paper, and of the Quantity and Weight thereof; and in order to the Attendance of such Officer, every such Maker of Paste-board shall give to such Officer Twenty-four Hours Notice in Writing of his Intention to produce such Paper, and shall specify in such Notice the true Quantity of Paper intended to be produced, and the Day and Hour when he intends to produce the same; and every Maker of Paste-board who shall refuse or neglect to give such Notice, or shall use or employ any Paper in the making of Paste-board before the same shall have been so produced to and taken account of by the Officer of Excise, shall forfeit One hundred Pounds.

Paper Maker or his chief Workman to declare that no other than Duty-charged Paper has been sent out of his Mill.

XXXIII. And be it enacted, That every Paper Maker, or his chief Workman or Servant, shall, at the End of every Six Weeks, before such Person as shall be appointed to receive the same, at the Chief Office of Excise if the Mill of such Paper Maker shall be situate within the Limits of the Chief Office, or if situate elsewhere before the Collector or Supervisor of Excise, make and sign a Declaration in Writing that no Paper, Button-board, Mill-board, Paste-board, or Scale-board has during such preceding Six Weeks been removed, carried, or sent, or caused, suffered, or known to have been removed, carried, or sent, from the Mill or Premises of such Paper Maker, other than such as has been duly taken account of and charged with Duty by the Officer of Excise, except Paper necessarily used in packing up Paper, Button-board, Mill-board, Paste-board, or Scale-board, on pain of such Paper Maker forfeiting for every Neglect or Refusal to make such Declaration Fifty Pounds; and if any Paper Maker, or his chief Workman or Servant, shall make any false or untrue Declaration, such Paper Maker or chief Workman or Servant making the same shall forfeit One hundred Pounds.

Officer of Excise to make a Return of the Duty charged on every Paper Maker at the End of every Six Weeks, and the Amount to be paid in Six Days afterwards.

XXXIV. And be it enacted, That every Officer of Excise under whose Survey any Paper Maker shall be, or any other Officer who shall be appointed so to do, shall from Time to Time, at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Excise shall direct, make out and deliver to the Collector of Excise, or to such other Person as the Commissioners of Excise shall appoint to receive the same, an Account or Return in Writing of the Quantity of Paper, Button-board, Mill-board, Paste-board, or Scale-board charged with Duty at the Mill of such Paper Maker in such preceding Six Weeks or Period, and of the Duty payable thereon, according to the Weight of such Paper, Button-board, Mill-board, Paste-board, and Scale-board, and shall also leave a Copy of such Account or Return with such Paper Maker; and the Account or Return of such Officer shall be a Charge on every such Paper Maker, who shall pay and clear off the Duty appearing by such Account or Return to have become due within Six Days after such Account or Return shall be made, or in default thereof shall forfeit double the Amount of such Duty.

How Charge against a Maker

XXXV. Provided always, and be it enacted, That every Officer of Excise, in making out such Account or Return of the Quantity of

of Paste-board charged during any Period of Six Weeks on any Maker of Paste-board, not being also a Maker of Paper, and of the Duty payable thereon, shall deduct and allow in such Account or Return the Amount of Duty charged on the Paper from which such Paste-board shall have been made according to the Weight thereof when taken account of by the Officer of Excise at the Time of the same being produced to him under Notice, according to the Provisions herein-before mentioned, and the Remainder or Balance, after such Deduction and Allowance, shall be the Amount of Duty payable by such Maker of Paste-board under such Return.

of Paste-board
to be made out.

XXXVI. And be it enacted, That no Person whatever shall carry on or be concerned in the Trade or Business of a Retail Stationer, or Dealer in Paper, Button-board, Mill-board, Paste-board, or Scale-board, at any Paper or Paste-board Mill, nor shall any Paper Maker carry on or be concerned or interested in the Business of a Retail Stationer or Dealer in Paper in or on any Premises within the Distance of One Mile by the nearest ordinary Road or Path of a Paper Mill wherein he shall make Paper, Button-board, Mill-board, Paste-board, or Scale-board, or be concerned or interested, on pain of forfeiting Two hundred Pounds.

Limitation as
to carrying on
Business at
Mills.

XXXVII. And be it enacted, That no Stationer or Printer or Paper Stainer, or Maker of Paste-board not a Maker of Paper, shall receive into his Custody or Possession, nor shall any other Person remove or receive from any Mill, any Paper, Button-board, Mill-board, Paste-board, or Scale-board which shall not be an entire Ream or Half Ream or Parcel, enclosed in a Wrapper or Wrappers having a Label thereon, with such Particulars as are herein-before required written thereon, together with the Impressions of the Officer's Stamp denoting the Charge of Duty, on pain of forfeiting One hundred Pounds; and all Paper, Button-board, Mill-board, Paste-board, and Scale-board so received, and all Paper, Button-board, Mill-board, Paste-board, and Scale-board which shall be found in the Custody or Possession of any Stationer or Printer or Paper Stainer, or Maker of Paste-board not a Maker of Paper, (not being broken Reams, or Parcels for immediate Sale, Use, or Consumption,) without being enclosed in a Wrapper so labelled, and with such Impressions of the Duty Stamp thereon as aforesaid, shall be forfeited, and the Stationer or Printer or Paper Stainer or Maker of Paste-board in whose Possession the same shall be found shall forfeit Fifty Pounds: Provided always, that nothing herein contained shall extend to subject any Stationer to the said first-mentioned Penalty for or by reason of his obtaining or receiving from any other Stationer any Paper, Button-board, Mill-board, Paste-board, or Scale-board in less Quantity than a Ream, Half Ream, or Parcel for immediate Use.

Stationer,
Printer, Paper
Stainer, and
Maker of
Paste-board not
to receive into
their Possession,
and no other
Person to re-
ceive from a
Mill, Paper in
less Quantity
than a Ream or
Half Ream, in
Wrappers with
Labels.

XXXVIII. And be it enacted, That every Person shall, on opening any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board received into their Possession, immediately write in large Letters in Ink upon the Label attached to the Wrapper the Word "Opened," or shall, across such Label, with Ink or otherwise, permanently cancel, obliterate, and deface the same, so as to prevent the said Label from being again made

Every Person
on opening
Paper, &c. to
write across or
otherwise deface
the Label.

made use of by any Paper Maker; and every Person who shall not, on opening any such Ream, Half Ream, or Parcel as aforesaid, immediately so write on or cross or otherwise cancel, obliterate, or deface such Label, or in whose Possession any such Label, whether attached or not to any Wrapper which shall have been opened, shall be found not so written upon, crossed, or otherwise cancelled, shall forfeit for each such Label Ten Pounds, and every such Label, with any Wrapper to which the same may be attached, shall also be forfeited.

Penalties on Persons returning Labels or Wrappers which have been used, and on Paper Makers and their Servants receiving or having such Labels or Wrappers.

XXXIX. And be it enacted, That every Person who shall store, return, send, or deliver, or cause or procure, permit or suffer, to be restored, returned, sent, or delivered, to any Paper Maker, or to any Mill, Warehouse, Room, or Place, belonging to any Paper Maker, or to any other Place for the Use of any Paper Maker, any Wrapper or Label which has been before used as a Wrapper or Label in tying up any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or which shall be marked and stamped with the Marks, Stamps, or Impressions directed by this Act to be marked and stamped on the Labels attached to and the Wrappers enclosing any Paper, Button-board, Mill-board, Paste-board, and Scale-board, and every Paper Maker who shall receive, or shall cause, procure, permit or suffer to be returned, sent, or delivered to him, or to be kept or deposited at any Mill, Warehouse, Room, or Place belonging to him, or at any other Place for his Use, or who shall have in his Custody or Possession, any Wrapper or Label which has been before used as a Wrapper or Label to any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board, or in or with which any Paper, Button-board, Mill-board, Paste-board, or Scale-board has been removed, carried, or sent out by any Paper Maker, shall forfeit Two hundred Pounds; and every Workman and Servant of any Paper Maker in whose Custody or Possession any such Wrapper or Label shall be found shall also forfeit Fifty Pounds, over and above any Penalty to which the Paper Maker may thereby become subject.

Penalty not to be incurred if Paper, &c. is returned for not being approved of.

XL. Provided always, and be it enacted, That nothing hereinbefore contained shall extend or be deemed or construed to extend to render liable to the said Penalty of Two hundred Pounds any Person for or by reason of such Person returning or sending back to any Paper Maker any Wrapper, with the Label thereon, which shall have been opened, containing therein the same identical Paper, Button-board, Mill-board, Paste-board, or Scale-board received by such Person, and by him returned on account of the same being disliked or refused, nor to render liable to the said Penalty any Paper Maker for receiving back the said Label and Wrapper containing such Paper, Button-board, Mill-board, Paste-board, or Scale-board.

Protecting Stationer having Paper liable to Seizure, and giving Notice thereof.

XLI. And be it enacted, That every Stationer or other Person who shall have bought, received, or agreed for any Paper, Button-board, Mill-board, Paste-board, or Scale-board respectively which may be forfeited or liable to Seizure under this or any other Act relating to the Revenue of Excise, and who shall discover to and inform any Officer of Excise thereof, so as to cause the Seizure of the same, shall, on the Condemnation of the Paper, Button-board,

board, Mill-board, Paste-board, or Scale-board so seized by the Officer, be paid, by Order of the Commissioners of Excise, the Value of all such Paper, Button-board, Mill-board, Paste-board, or Scale-board which shall be so seized and condemned, and for which such Stationer or other Person shall have actually paid or be liable to pay and shall pay, and such Payment shall be deemed a Part of the Expences attending the Seizure.

XLII. And be it enacted, That every Paper Maker and other Person who shall counterfeit, forge, or imitate, or cause or procure to be counterfeited, forged, or imitated, any Stamp, Die, Device, or Label, or any Figure, Letter, or Part of any Stamp, Die, Device, or Label, directed to be provided and used in pursuance of this Act, or which shall have been provided in pursuance of any other Act in force for securing the Duties on Paper at the passing of this Act; or shall have in his Custody or Possession any such counterfeit, forged, or false Stamp, Die, Device, or Label, or any counterfeit, forged, or false Figure, Letter, or Part of any such Stamp, Die, Device, or Label, knowing the same to be counterfeit, forged, or false; or who shall, upon any Wrapper used or to be used for tying up any Quantity of Paper, Button-board, Mill-board, Paste-board, or Scale-board, or upon any such Label as aforesaid, counterfeit, forge, or imitate, or cause or procure to be counterfeited, forged, or imitated, the Mark or Impression of any such Stamp, Die, or Device, or of any Figure, Letter, Character, or Part of such Stamp, Die, or Device, or shall knowingly have the same in his Custody or Possession; or who shall have in his Custody or Possession, or utter, vend, or sell, any Paper, Button-board, Mill-board, Paste-board, or Scale-board with a counterfeit, forged, false, or imitated Mark or Impression of any such Stamp, Die, or Device, or any Figure, Letter, Character, or Part thereof, on the Wrapper of such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or on the Label affixed thereto or thereon, or with any false, counterfeit, or forged Label aforesaid, or any false, counterfeit, or forged Figure, Letter, Character, or Part of such Label as aforesaid, or with any false, counterfeited, or forged Printing or Writing on any such Label, knowing the same or any Part thereof to be counterfeited or forged; or who shall upon any Quantity of Paper, Button-board, Mill-board, Paste-board, or Scale-board put or place any Wrapper or Part of any Wrapper, or any Label or Part of any Label, having thereon or therein any false, counterfeit, or forged Writing, Printing, Letter, Figure, Character, Mark, or Impression, knowing the same to be false, counterfeited, and forged; or who shall, upon any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board not taken account of and charged with Duty by the proper Officer of Excise, put or place any of the Stamps or Impressions directed by or provided or used in pursuance of this Act or any such other Acts as aforesaid; shall for every such false, counterfeit, or forged Stamp, Die, Device, or Label, or Figure, Letter, Character, or Part of such Stamp, Die, Device, or Label, forfeit and lose the Sum of One thousand Pounds, and for every such Wrapper, Ream, Half Ream, or Parcel respectively the Sum of Five hundred Pounds, and every such false, counterfeited, and forged Stamp, Die, Device, and Label, Figure, Letter, Cha-

Penalty on
forging Stamps
and counterfeit-
ing Labels.

racter, and Part of such Stamp, Die, Device, or Label, and every such false, counterfeit, and forged Impression, and every such Wrapper, Ream, Half Ream, and Parcel respectively shall be forfeited.

Penalty for altering the Number of the Mill or Weight on the Label.

XLIII. And be it enacted, That every Paper Maker, Stationer, or other Person who shall alter the distinguishing Letter or Number of any Mill on the Label attached to the Wrapper of any Ream, Half Ream, or Parcel of Paper, Button-board, Mill-board, Paste-board, or Scale-board, save and except in the Case of Paper sent from one Mill to another, or returned to any Mill, under the Provisions herein-before contained, or who shall alter the Weight inserted on any such Label, shall forfeit Twenty Pounds, together with the Ream, Half Ream, or Parcel to which such Label shall be attached.

Regulations for obtaining the Allowance of Duty on Books printed in the Latin, Greek, Oriental, or Northern Languages in the Universities.

XLIV. And be it enacted, That the Allowance of the Duty on Paper used in the printing of Books in the Latin, Greek, Oriental, or Northern Languages within the Universities of *Oxford* and *Cambridge*, the Universities of *Scotland*, and the University of *Trinity College, Dublin*, shall be made and allowed in manner following; (that is to say,) the Chief Manager of the Press in the said Universities respectively shall, Forty-eight Hours before any such Paper shall be begun to be printed, give to the proper Officer of Excise a Notice in Writing of the Intention to print such Paper, specifying the Number of Reams of Paper and the Title of the Book intended to be printed, and of how many Copies the Edition is to consist; and upon the Attendance of the Officer of Excise all such Paper shall be produced to him enclosed in the original Wrappers in which the same was charged with Duty, with the respective Labels thereon, and the several Matters herein-before prescribed to be marked, written, or printed and stamped on such Labels and Wrappers remaining thereon; and such chief Manager of the Press shall provide sufficient Scales and Weights, and shall permit and assist such Officer to use the same, and to ascertain the Weight of such Paper; and within One Month after the whole of such Edition shall have been printed off such chief Manager shall give to the proper Officer of Excise Forty-eight Hours Notice in Writing, specifying a Day and Hour when such Edition will be ready to be produced to him, and thereupon such Officer shall attend and examine and weigh the whole of such Edition unbound and in Sheets, and thereupon give to such chief Manager a Certificate of his having so done, specifying the Name of the Book, the Size thereof, the Number of Copies of which the Edition consists, and the Weight of the Paper on which it is printed; but if such Weight shall exceed the Weight of the Paper taken account of by the Officer previous to the printing, such last-mentioned Weight shall be inserted in the Certificate, and the Allowance shall be made for no more.

Declaration to be made by the chief Manager of the Press.

XLV. And be it enacted, That the chief Manager of the Press in the said Universities respectively shall make and subscribe at the Foot or on the Back of such Certificate as aforesaid, before the Vice Chancellor, Principal, or Rector or Provost of the University respectively, a Declaration in Writing setting forth that the whole of the Edition of the Book so printed was and is printed for the University for which the same expresses to be printed,
and

and that no Bookseller or other Person had or hath any Share or Interest therein, or in the Allowance payable in respect of the Paper on which the same was or is printed.

XLVI. And be it enacted, That the Allowance of the Duty on Paper used in the Universities of *Oxford* and *Cambridge*, and in the University of *Trinity College, Dublin*, or used by the Queen's Printers in *England, Scotland, or Ireland* respectively, in the printing of Bibles, Testaments, Psalm Books, Books of Common Prayer of the Church of *England*, the Book commonly known in *Scotland* by the Name of "The Confession of Faith," or the Larger or Shorter Catechism of the Church of *Scotland*, shall be made and allowed in manner following; (that is to say,) the chief Manager of the Press of such Universities respectively, or such Queen's Printers respectively, shall, Forty-eight Hours before any such Paper is begun to be prepared for printing, give to the proper Officer of Excise a Notice in Writing of the Intention to print such Paper, specifying in such Notice the Number of Reams of Paper so intended to be printed, and whether the same is to be printed for Bibles, Testaments, Psalm Books, Common Prayer Books, Books of Confession of Faith, or the Larger or Shorter Catechism, of what Size the intended Impression or Edition of such Book is to be, and of how many Copies the same is to consist; and all the Paper intended to be used shall, on the Attendance of the Officer of Excise, be produced to him enclosed in the original Wrappers in which the same was charged with Duty, with the respective Labels thereon, and the several Matters hereinbefore prescribed to be marked, written or printed, and stamped on such Labels and Wrappers remaining thereon; and such chief Managers and Queen's Printers respectively shall provide good and sufficient Scales and Weights, and shall permit and assist the Officer of Excise to use the same, and to ascertain and take an Account of the true Quantity and Weight of such Paper; and such chief Managers of the Press and such Queen's Printers respectively shall, within One Month after the whole of such Impression or Edition shall have been printed off and finished, give to the proper Officer of Excise Forty-eight Hours Notice thereof in Writing, specifying a Day and Hour when such Impression or Edition will be ready to be produced to him, and thereupon such Officer of Excise shall attend, and inspect, examine, and weigh the whole of such Edition unbound and in Sheets, and shall thereupon give and deliver to such chief Manager of the Press or Queen's Printer, as the Case may be, a Certificate in Writing of his having so done, specifying therein the Name of the Book, together with the Size thereof, and the Number of Copies of which such Impression or Edition consists, and the Weight of the Paper on which the same is printed; but if such Weight shall exceed the Weight of the Paper actually produced to and taken account of by the Officer of Excise previous to the printing thereof as aforesaid, then and in such Case such last-mentioned Weight shall be inserted in such Certificate, and the Allowance shall be made for no greater Weight than the Weight specified in such Certificate.

XLVII. And be it enacted, That the chief Manager of the Press in the said Universities respectively shall make and subscribe, at the Foot or on the Back of such Certificate, before the Vice

Regulations for obtaining the Allowance on Paper used in printing Bibles, Testaments, &c. in the Universities of *Oxford, Cambridge, and Dublin*, or by the Queen's Printers.

Declarations to be made by the chief Manager of the P

the Universities
and by the
Queen's
Printers.

Chancellor or Provost of the University, a Declaration in Writing setting forth that no Drawback or Allowance has been before granted or paid on such Paper, and that the whole of the Edition of such Book so printed is printed for the University for which the same expresses to be printed, and that no Bookseller or other Person had or hath any Share or Interest therein, or in the Allowance payable in respect of the Paper on which the same is printed; and the Queen's Printers in *England, Scotland, and Ireland* respectively or the acting Patentee in such Office, shall make and subscribe at the Foot or on the Back of such Certificate, before the Commissioners of Excise, or such Person as the Commissioners of Excise shall direct and appoint to receive the same, a Declaration in Writing setting forth that no Drawback or Allowance has been before claimed or paid for or in respect of the Paper mentioned in such Certificate, or any Part thereof, and that the whole of such Impression or Edition of such Bible, Testament, Psalm Book, Book of Common Prayer, Confession of Faith, or Larger or Shorter Catechism has been printed by him or them at his or their usual and ordinary Printing House, on his or their own Account, under and by virtue of the exclusive Patent or Privilege belonging to him or them as such Queen's Printer, and for his or their sole and entire Benefit, Profit, Emolument, and Advantage.

On Production
of Certificate,
with Declara-
tion, the Com-
missioners of
Excise are to
direct Payment
to be made.

XLVIII. And be it enacted, That on the said Certificates respectively, with such Declaration as aforesaid made and subscribed thereon, being produced to the Commissioners of Excise, the said Commissioners shall and they are hereby required, on being satisfied of the Correctness thereof, to cause Payment of the Amount of the Allowance appearing by such Certificate to be due to be made to the chief Manager of the Press of the said Universities respectively, or to such Person as the Vice Chancellor, Principal, or Rector or Provost of the said Universities respectively shall appoint to receive the same, or to such Queen's Printer by whom or on whose Behalf such Certificate shall be produced, as the Case may be.

As to the Al-
lowances to be
granted on
Books printed
in certain
Languages.

XLIX. And be it enacted, That no such Allowance shall be granted or paid on any Book in the Latin, Greek, or Oriental or Northern Languages unless such Book shall be wholly printed in the Latin, Greek, Oriental, or Northern Languages, as the Case may be: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall see fit, to direct such Allowance to be made and granted on any Book partly in the Latin, Greek, or Oriental or Northern Languages, and partly in the English or any other Language.

What shall be
deemed the
ordinary Print-
ing House of
the Queen's
Printer.

L. And be it enacted, That every House, Office, or Place heretofore approved of or which may hereafter be approved of by the Commissioners of Her Majesty's Treasury, in which the Queen's Printers in *England, Scotland, and Ireland* respectively shall have printed or may hereafter print, by themselves or their own *bonâ fide* Agents, and not by others, and for their own sole and undivided Interest, the whole of any Impression or Edition of any Bible, Testament, Psalm Book, Book of Common Prayer, Confession of Faith, or Larger or Shorter Catechism, shall be deemed and taken to be an ordinary and usual Printing House of such Queen's Printer

Printer within the Meaning of this Act for entitling such Queen's Printer to the Allowances aforesaid.

LI. And be it enacted, That the Allowance of the Duty to Clothiers, Hotpressers, and other Persons concerned in the Woollen Manufactures, for and in respect of Glazed and other Press Papers used, employed, and consumed in the pressing Woollen Cloths and Stuffs, shall be made and granted in manner following; (that is to say,) all such Glazed Paper or Press Paper in respect of which any such Allowance is intended to be claimed shall be examined by an Officer of Excise before the same is made use of; and in order to such Examination every Clothier, Hotpresser, or other Person who shall intend to apply for or claim any such Allowance shall, before he shall begin to make use of any such Glazed or other Press Paper, give Forty-eight Hours Notice in Writing to the proper Officer of Excise, specifying a Day and Hour when he will produce to such Officer any Glazed Paper or Press Paper, and the Quantity of such Paper to be produced, and the Name and Residence of the Paper Maker or other Person from whom the same was received, and the particular Time when received; and such Officer shall attend at the Time specified in such Notice, and thereupon such Clothier, Hotpresser, or other Person shall produce to such Officer all the Glazed Paper or Press Paper specified in such Notice in the original Wrappers in which the same was charged with Duty, with the Labels, having the several Particulars required by this Act printed or written and marked and stamped thereon, attached to such Wrappers respectively, and such Clothier, Hotpresser, or other Person shall untie and open every Ream or Half Ream or Parcel of such Glazed Paper or Press Paper in the Presence of such Officer, who shall examine and take an Account thereof, and shall cancel or destroy the Labels on such Covers or Wrappers, and the several Impressions of the Duty Stamp thereon; and when any Quantity of such Glazed Paper or Press Paper shall have become unfit for Use, and such Clothier, Hotpresser, or other Person shall be desirous of obtaining Payment of the Allowance of Duty thereon, such Clothier, Hotpresser, or other Person shall give to the proper Officer of Excise Forty-eight Hours Notice in Writing, specifying a Day and Hour when all such Glazed Paper or Press Paper so become unfit for further Use will be produced to him, and on the Attendance of the Officer all such last-mentioned Glazed Paper or Press Paper shall be produced to and shown to such Officer, who shall thereupon proceed to examine and take an Account of the same, and shall with Scales and Weights, to be provided by such Clothier, Hotpresser, or other Person, weigh all such Glazed Paper or Press Paper so produced to him, and take an Account thereof, and shall then cause all such Paper to be burned in his Presence; and all such Paper having been burned, such Officer shall give to the Clothier, Hotpresser, or other Person who shall have produced the same a Certificate in Writing, specifying the Quantity by Weight of Glazed Paper or Press Paper produced to and taken account of by him, and that the same has been duly burned in his Presence; and such Clothier, Hotpresser, or other Person, or his principal Workman, or Servant, shall, at the Foot or on the Back of such Certificate, make and subscribe, in the Presence of the Collector or

Regulations for obtaining the Allowance on Paper used in pressing Woollen Cloths.

other Officer of Excise authorized or directed by the Commissioners of Excise to receive the same, a Declaration in Writing setting forth that all the Glazed Paper or Press Paper specified in such Certificate hath been actually and *bonâ fide* used and employed in the pressing of Woollen Cloths, and for no other Purpose whatsoever; and such Collector shall thereupon pay to the Person entitled to receive the same the Amount of Allowance due and payable to him according to such Certificate: Provided always, that no Claim to any such Allowance, or any Payment thereof, shall be made oftener than twice in each Year.

Persons intending to export Paper, &c. on Drawback to give a Packing Notice.

LII. And be it enacted, That every Person intending to export any Paper, or any Button-board, Mill-board, Paste-board, or Scale-board, or any Books, as Merchandize, and to obtain the Drawback thereon, shall give Twelve Hours Notice of his Intention to the Officer of Excise who shall be appointed by the Commissioners of Excise for that Purpose, specifying in such Notice the Time and Place when and where and the Person on whose Account such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, is or are intended to be packed; and such Notice having been given, an Officer of Excise shall attend at the Time and Place specified, and all the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books intended to be exported, shall be produced to him, and in the Case of Paper (except Paper printed, painted, or stained, or cut and gilded, as herein-after mentioned), Button-board, Mill-board, Paste-board, or Scale-board, the same shall be produced in the original Wrappers in which the same was charged with Duty, with the Labels, having printed or written, marked and stamped thereon, the several Particulars required by this Act; and such Officer shall examine the same, and shall cancel, obliterate, or destroy every such Label, and the Impressions of the Duty Stamp on each Ream, Half Ream, or Parcel; and such Officer shall weigh and take an Account of all such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, as shall be produced to him, or, in the Case of Paper printed, painted, or stained, shall measure and take an Account of the Number of Square Yards thereof; and all such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, shall be packed in the Presence of the Officer of Excise, and the Packages containing the same shall be marked with the true Weight thereof in the Presence of such Officer, and shall be secured with such Fastenings, and sealed with such Seals or Marks, by such Officer, as the Commissioners of Excise shall direct; and every such Officer shall make out an Account of the Quantities and Kinds and Weight, or, in the Case of Paper printed, painted, or stained, of the Number of Square Yards, of all such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, as shall be produced to him and be packed in his Presence, and shall make a Return thereof to the Export Officer of Excise, or Officer acting as Export Officer, at the Port of Exportation: Provided always, that if the Person giving such Packing Notice shall not begin and proceed to pack up all such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, at the Time mentioned therein, such Notice shall be null and void, and a like fresh Notice shall be required before the packing up the same or any Part thereof.

LIII. And

LIII. And be it enacted, That if any Person shall put or place any heavy Substance, or other Matter than Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, except the Materials necessarily used in packing the same, in any Cask, Box, Chest, or Package containing Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, packing or packed for Exportation, or shall pack in any Cask, Box, Chest, or Package any other Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, or other Substance or Article, (except as aforesaid,) than the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, produced to the Officer as to be packed and exported, or shall, by any Art, Contrivance, or Device, prevent, hinder, or deceive any Officer of Excise from or in taking a true Account of the Kind or Weight (or, in the Case of Paper printed, painted, or stained, the Measure) of the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, packed or produced to be packed, such Person shall forfeit Two hundred Pounds, and every such Cask, Box, Chest, or Package, with the Contents thereof, shall be forfeited.

Penalty on putting any heavy Substance or other Matter in Boxes, &c. containing Paper, &c. packed for Exportation.

LIV. And be it enacted, That every Person who shall open any Cask, Box, Chest, or Package containing Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, which shall have been packed for Exportation, or shall wilfully destroy or deface any Seal or Mark of the Officer placed thereon, or damage any of the Fastenings thereof, and every Person who shall cut out, erase, obliterate, alter, or damage any Figure, Letter, or Mark cut, written, painted, branded, or made on any Cask, Box, Chest, or Package containing Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Books, for Exportation, expressing or denoting the Weight of such Cask, Box, Chest, or Package, or the Weight of the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, therein, or the Number thereof, shall forfeit One hundred Pounds, and every such Cask, Box, Chest, or Package, with the Contents thereof, shall be forfeited, and may be seized by any Officer of Excise or Customs.

Boxes, &c. packed for Exportation not to be opened.

Penalty, 100*l*.

LV. And be it enacted, That every Person intending to export any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Books, on Drawback, shall, by himself or his Agent, give to the Export Officer of Excise, or Officer acting as such, at the Port of Exportation, a Notice in Writing of his Intention to ship such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, Six Hours at least before such Shipment shall be made, in which Notice shall be specified the Number of Packages to be shipped, with the respective Marks and Numbers thereon, and the Quantity, Weight, and Kinds of Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, in each Package, with the Amount of the Drawback claimed thereon, and the Value of the same for Home Consumption, and shall also specify the Quay or Place where the Packages are then lying, and from which the same are to be shipped, and the Time of Shipment, with the Name of the Ship and the Master thereof, and the Place or Port to which such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, is or are to be exported; and the Person so intending to export such Paper, Button-board, Mill-board, Paste-board, or Scale-

Exporters to give a Shipping Notice, and enter into Security.

board, or Books, shall also, by himself or his Agent, make a Declaration before the Export Officer of Excise, or Officer acting as such as aforesaid, that such Packages, and the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books contained therein, are the same described and set forth in the Account or Certificate of the Packing Officer, and that to the best of his Knowledge and Belief the full Duties of Excise have been charged and secured on such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or on the Paper on which such Books shall have been printed or ruled, and shall also give Bond, with One or more sufficient Surety or Sureties, to be approved of by the Officer appointed by the Commissioners of Excise to take such Bond, in Double the Value of the Drawback, conditioned that such Packages, with the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, therein, shall with all convenient Speed be shipped and exported, and shall not be unpacked in any Port or Harbour of the United Kingdom, nor unloaded, unshipped, or relanded, or put on board any other Ship or Vessel, in any Part of the United Kingdom, Shipwreck or other unavoidable Accident excepted; and such Notice having been given and such Declaration made as aforesaid, and such Security entered into, the Officer of Excise receiving the same shall write his Name upon the said Shipping Notice as a Certificate of the Requisites aforesaid having been complied with, and shall forward and transmit the said Notice, with his Name thereon, to the proper Officer of Customs at the Port whose Duty it may be to attend the shipping of such Goods.

Packages to be produced to the Officer of Customs, who shall see them shipped in his Presence.

LVI. And be it enacted, That all the said Packages, with the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books therein, shall, at the Time specified in the Notice for shipping the same, be produced to the proper Officer of Customs, who shall inspect and examine the same, and, being satisfied that they are the Packages specified in the Shipping Notice, shall see them shipped in his Presence, and certify such Shipment on the Shipping Notice, and return the same to the Export Officer of Excise, or Officer acting as such, and such Export Officer, having received back the said Notice, with the Certificate of Shipment thereon, shall deliver to the Exporter or his Agent a Debenture, in such Form and with such Particulars thereon as the Commissioners of Excise shall direct, for Payment of the Amount of Drawback at the Expiration of Six Weeks from the Time of Shipment.

Certificate of the due landing of Goods, &c.

LVII. Provided always, and be it enacted, That no Debenture shall be made out for the Payment of Drawback on any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, exported to *Guernsey, Jersey, Alderney*, or the *Isle of Man*, until a Certificate shall be produced of the due landing thereof under the Hand of the Chief Officer of Customs of the said Islands respectively.

Officers of Customs and Excise may open and examine Packages.

LVIII. And be it enacted, That in every Case where any such Notice for shipping any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Books, on Drawback, shall be given, it shall be lawful for the Officer of Customs to whom the Package or Packages containing such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, shall be produced for Shipment,

ment, and for any other Officer of Customs or of Excise, to open all or any of the Packages mentioned in such Notice, and to unpack and examine the Contents thereof; and if the same shall be found correct such Officer shall, at his own Expence, to be allowed him by the Commissioners of Customs or of Excise, as the Case may be, cause the same to be carefully repacked and the respective Packages again secured and sealed; but if on such Examination any Package, or the Contents thereof, shall be found to vary in any Particular from the Description contained in the Shipping Notice, so that a higher or greater Sum than of right due shall have been claimed, or in case such Discovery had not been made would have, on the Exportation of such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, been deemed payable as Drawback, or Her Majesty in any respect defrauded therein, such Packages, and the Contents thereof, shall be forfeited, and may be seized by any Officer of Excise or Customs, and the Exporter thereof shall forfeit Treble the Value of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise.

LIX. And be it enacted, That no Drawback shall be allowed for or in respect of the Paper of any Books in the Latin, Greek, Oriental, or Northern Languages printed within the Universities of *Oxford* and *Cambridge*, or the Universities of *Scotland*, or *Trinity College, Dublin*, by Permission of the Vice Chancellors or Principals or Provost of the same respectively, nor for or in respect of any Bibles, Testaments, Psalm Books, or Books of Common Prayer, Confession of Faith, or Larger or Shorter Catechism, printed in the Universities of *Oxford* or *Cambridge*, or *Trinity College, Dublin*, or by the Queen's Printers in *England, Scotland, or Ireland* respectively, nor for or in respect of any other printed Books exported by any Person not being a Printer or Bookseller or Stationer, or which have ever been before sold to any Person not using or exercising the Trade or Business of a Printer or Bookseller or Stationer.

Drawback not to be allowed on certain Books.

LX. And be it enacted, That no Drawback shall be allowed on any ruled Account Books which shall be exported by any other Person than a Stationer, nor on any such Books which shall have been before sold to any Person not using or exercising the Trade or Business of a Stationer.

Who to export Account Books on Drawback.

LXI. And whereas it is expedient to make Regulations for allowing Paper to be cut and gilded or coloured or otherwise prepared previous to Exportation; be it therefore enacted, That when any Stationer shall intend to plough, cut, gild, colour, or otherwise prepare any Paper previous to the Exportation thereof on Drawback, such Stationer shall give to the proper Officer of Excise Notice in Writing of such his Intention, specifying in such Notice the Quantity of Paper so intended to be prepared and exported, and a Day and Hour and Place when and where the same will be produced to such Officer; and thereupon such Officer shall attend at the Time and Place mentioned in such Notice, and such Stationer shall produce to such Officer all the Paper specified in such Notice enclosed in the Wrappers in which the same was charged with Duty, with the Labels attached thereto, and the several Particulars required on such Labels remaining thereon; and such

Regulations for exporting Paper cut, gilded, or otherwise prepared.

such Stationer shall provide sufficient Scales and Weights, and shall permit and assist such Officer to weigh and take an Account of all such Paper, from which such Officer shall also take a Sample or Samples, if such Paper shall be of more than One Kind or Description; and such Officer shall also write upon the Labels of every Ream or Half Ream the Particulars that such Paper is to be ploughed, cut, gilded, coloured, or otherwise prepared, as the Case may be, and sign his Name thereto; and such Account and Sample or Samples having been taken, such Paper shall be left in the Custody and Possession of the Stationer to be ploughed, cut, gilded, coloured, or otherwise prepared, and when the same shall be prepared and ready to be packed for Exportation such Stationer shall give to the Officer of Excise a Packing Notice as herein-before directed; and such Paper shall at the Time of packing be produced to the Packing Officer in the same original Wrappers in which the same was charged with Duty and produced to the Officer for taking the first Account thereof, with the Memoranda of the Officer written thereon; and no Paper so prepared shall be allowed to be packed for Exportation on Drawback which shall not be produced in Wrappers having the Labels thereof so marked by the Officer as aforesaid.

Penalty on fraudulently obtaining or endeavouring to obtain Drawbacks.

LXII. And be it enacted, That every Person who shall produce to any Officer of Excise or Customs to be packed or shipped for Exportation on Drawback any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or any Books, not entitled to Drawback under the Provisions of this Act, or who shall pack or ship for Exportation on Drawback any such Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, or any Articles, Matters, or Goods, other than the Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, produced to the Officer of Excise to be packed, or who shall fraudulently remove, deposit, or conceal any Paper, Button-board, Mill-board, Paste-board, or Scale-board, or Books, with Intent unduly to obtain any Drawback, or any higher Amount of Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise, and all such Paper, Button-board, Mill-board, Paste-board, and Scale-board, or Books, or other Articles, Matters, or Goods, shall be forfeited, and may be seized by any Officer of Excise or Customs.

Allowance of Duty on Paper lost by Fire or Wreck.

LXIII. And be it enacted, That if any Paper, Button-board, Mill-board, Paste-board, or Scale-board shall, by Fire or by the sinking, casting away of, or by any inevitable Accident happening to any Vessel or Barge in which such Paper, Button board, Mill-board, Paste-board, or Scale-board shall be transporting or have been transported from any Part of the United Kingdom to any other Part thereof, or on board of which such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been put for that Purpose, be wholly lost or destroyed, or so far damaged as to be worthless and only fit to be wholly destroyed, and no longer capable of Use as Paper, Button-board, Mill-board, Paste-board, or Scale-board unless re-manufactured and re-charged with Duty, it shall be lawful for the Maker of such

Paper, Button-board, Mill-board, Paste-board, or Scale-board, being at the Time of such Loss or Damage the Proprietor or Owner thereof, to make Proof of such Loss or Damage, and of the Cause thereof, on the Oath or Oaths of One or more credible Witness or Witnesses, and of the Duty on such Paper, Button-board, Mill-board, Paste-board, or Scale-board having been duly charged on and paid by such Maker, and that he was at the Time of such Loss or Damage the Proprietor or Owner thereof, before the Justices of the Peace at the Quarter Sessions for the County, Shire, Division, City, Town, or Place where such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been made and charged with Duty, or at or next adjoining to the Place where such Accident shall have taken place, or shall have been first discovered or made known to such Maker, or before the Commissioners of Excise, or any Three of them, if such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been made or charged with Duty, or such Accident shall have happened or been first discovered or made known to such Maker within the Limits of the Chief Office of Excise; and such Justices at Quarter Sessions and Commissioners of Excise respectively shall and they are hereby required to examine any Witness or Witnesses thereupon upon Oath (which Oath they are hereby authorized to administer), and upon satisfactory Proof being made before them respectively that such Paper, Button-board, Mill-board, Paste-board, or Scale-board had been so wholly lost and destroyed, or so far damaged as aforesaid, by any of the Causes respectively aforesaid, and that the Duties thereon had been duly charged and paid, and that such Maker was the Proprietor or Owner thereof at the Time of such Loss or Damage, to grant a Certificate thereof, and of the Amount of such Duties, under their respective Hands; and upon the Production of such Certificate to the Collector of Excise or other Officer acting as Collector of Excise of the Collection in which such Paper, Button-board, Mill-board, Paste-board, or Scale-board shall have been charged with Duty, such Collector or other Officer shall and he is hereby authorized and required to pay or allow to such Maker, out of any Monies arising from the Duties of Excise in his Hands, so much Money as the Sum specified in such Certificate for such Duties as aforesaid shall amount to.

LXIV. Provided always, and be it enacted, That no Paper Maker shall be entitled to any such Relief as aforesaid unless a Notice in Writing, describing the Nature, Cause, and Extent of such Accident, and the Place where the same shall have occurred, shall be delivered to the Commissioners of Excise, or to the Supervisor of Excise of the District in which such Loss or Damage shall have taken place or shall have been first discovered, within Fourteen Days next after the same shall have come to the Knowledge of the Paper Maker claiming such Relief, nor unless such Paper Maker or his Agent shall also give or leave Notice in Writing of his Intention to apply for such Relief to or with the Collector or Supervisor of the Collection or District where the Quarter Sessions are to be held at which he intends to apply for such Relief, or to the Solicitor of Excise for *England* when such Application shall be intended to be made to the Commissioners of Excise, Ten Days

Conditions on which the Allowance is to be obtained.

at

at least before the Commencement of such Quarter Sessions or before such Application to the said Commissioners, nor unless such Paper Maker shall apply for such Relief within Four Calendar Months after such Loss or Damage shall have come to his Knowledge.

Explanation of
the Terms in
this Act.

LXV. And be it enacted, That the Term "Paper" in this Act shall include and be deemed to include, except where otherwise expressed, Glazed Paper, Sheathing Paper, Button Paper, and every Kind of Paper whatsoever, by whatever Denomination known or called, save and except that nothing in this Act contained shall extend or be deemed to extend to authorize the Allowance or Payment of any Drawback on the Exportation of Glazed Paper; and that the Term "Paper Maker" shall, except where otherwise particularly expressed, include and be deemed and taken to include every Maker of Paper, Button-board, Mill-board, Paste-board, and Scale-board, and several in Partnership as well as one Person, and Females as well as Males; and the Term "Paper Mill" shall, except where otherwise particularly expressed, include and be deemed and taken to include every Mill, House, Premises, Room, or Manufactory in which any Paper, Button-board, Mill-board, Paste-board, or Scale-board shall be made or manufactured.

All Paper, &c.
to be included
in this Act.

LXVI. And be it enacted, That all Paper, Button-board, Mill-board, Paste-board, and Scale-board, of whatever Materials made, and by whatever Denomination known or called, and however manufactured, whether made by the Materials being reduced to Pulp and moulded or finished by Machinery, or by being pressed or intermixed in a dry State, and made to adhere by Pressure or otherwise, shall be deemed and taken to be Paper, Button-board, Mill-board, Paste-board, and Scale-board within the Meaning of this Act, and shall be charged with Duty accordingly; and the Makers thereof shall be and are hereby declared to be subject and liable to all the Enactments, Rules, Regulations, Fines, Penalties, and Forfeitures of this Act, and of the general Laws for securing the Duties of Excise.

Repeal of Acts:

10 Ann. c. 19.

LXVII. And be it enacted, That from and after the Commencement of this Act the several Acts and Parts of Acts following shall be and the same are hereby repealed; (that is to say,) so much of an Act passed in the Tenth Year of the Reign of Her Majesty Queen Anne, intituled *An Act for laying several Duties upon all Sope and Paper made in Great Britain, or imported into the same, and upon chequered and striped Linens imported, and upon certain Silks, Callicoes, Linens, and Stuffs printed, painted, or stained, and upon several Kinds of stampt Vellum, Parchment, and Paper, and upon certain printed Papers, Pamphlets, and Advertisements; for raising the Sum of Eighteen hundred thousand Pounds, by way of a Lottery, towards Her Majesty's Supply; and for licensing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better securing Her Majesty's Duties to arise in the Office for the Stamp Duties by Licenses for Marriages and otherwise; and for Relief of Persons who have not claimed their Lottery Tickets in due Time, or have lost Exchequer Bills or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the South Sea Company) for the Use of the Public; as relates to the Duties, Allowances,*

or

or Drawbacks on Paper, Button-board, Mill-board, Paste-board, or Scale-board, or the collecting or securing the same; an Act passed in the Twenty-first Year of the Reign of His Majesty King George the Third, intituled *An Act for repealing the present Duties upon Paper, Paste-boards, Mill-boards, and Scale-boards made in Great Britain, and for granting other Duties in lieu thereof*; an Act passed in the Second Session of the Parliament held in the Twenty-fourth Year of the Reign of His Majesty King George the Third, intituled *An Act for laying additional Duties upon Paper, Paste-board, Mill-boards, and Scale-boards; and for explaining certain Doubts respecting the Duties imposed by an Act made in the Twenty-first Year of His present Majesty's Reign, intituled 'An Act for repealing the present Duties upon Paper, Paste-boards, Mill-boards, and Scale-boards made in Great Britain, and for granting other Duties in lieu thereof'*; an Act passed in the Thirty-fourth Year of the Reign of His Majesty King George the Third, intituled *An Act for repealing the Duties on Paper, Paste-board, Mill-board, Scale-board, and Glazed Paper, and for granting other Duties in lieu thereof*; an Act passed in the Forty-first Year of the Reign of His Majesty King George the Third, intituled *An Act for granting to His Majesty certain additional Duties on Paper, Paste-board, Mill-board, and Scale-board made in or imported into Great Britain, and on Tea imported into and sold in Great Britain*; an Act passed in the Forty-second Year of the Reign of His Majesty King George the Third, intituled *An Act for repealing certain Duties on Paper, Paste-boards, Mill-boards, Scale-boards, and Glazed Paper imported into or made in Great Britain, and for granting other Duties in lieu thereof*; an Act passed in the Fifty-fourth Year of the Reign of His Majesty King George the Third, intituled *An Act to remove Doubts as to the Allowance of Drawbacks upon Bibles and Books of Prayer to the King's Printers under an Act passed in the Thirty-fourth Year of His present Majesty*; another Act passed in the same Fifty-fourth Year of the Reign of His said Majesty King George the Third, intituled *An Act to regulate the Payment of Drawback on Paper allowed to the Universities in Scotland*; an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for further securing the Duties on Paper and Paste-board; and for repealing the countervailing Duty upon Paste-board imported from Ireland, and the Drawback upon Paste-board exported, and granting other countervailing Duties and Drawbacks in lieu thereof*; another Act passed in the same Fifty-sixth Year of the Reign of His said Majesty King George the Third, intituled *An Act for the better regulating and securing the Collection of the Duties on Paper in Ireland, and to prevent Frauds therein*; an Act passed in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act for the better securing the Excise Duties on Paper and Paste-board*; so much of an Act passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to assimilate the Duties and Drawbacks on Hides, Skins, Leather, Parchment, Paper, and Paper Hangings manufactured in Ireland to the Duties and Drawbacks payable on the like Articles in Great Britain; and to equalize the Measures and Weights whereby the Duties of Excise* and

21 G. 3. c. 24.

24 G. 3. Sem. 2.
c. 18.

34 G. 3. c. 20.

41 G. 3. c. 8.

42 G. 3. c. 94.

54 G. 3. c. 106.

54 G. 3. c. 153.

56 G. 3. c. 103.

56 G. 3. c. 78.

1 G. 4. c. 58.

5 G. 4. c. 55.

and Customs shall be payable throughout the United Kingdom, as relates to the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Scale-board, and Paste-board, or the collecting or securing the same; so much of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King

6 & 7 W. 4. c. 52. *William the Fourth, intituled An Act to repeal the Duties and Drawbacks of Excise on Paper printed, painted, or stained in the United Kingdom; and to reduce the Duties, Allowances, and Drawbacks on Paper, Button-board, Mill-board, Paste-board, and Scale-board made in the United Kingdom of the First Class, and to discontinue the Excise Survey on the Manufacturers of certain Articles made from Paper, and on Dealers in and Retailers of Vinegar, as relates to the Duties on Paper, Button-board, Mill-board, Paste-board, and Scale-board, and the collecting and securing the same; save and except so far as any of the said recited Acts repeal any former Acts or Parts of Acts, and also save as to any Duties or Arrears of Duties, or any Drawbacks or Allowances, due or owing or payable, or any Penalties, Fines, or Forfeitures incurred, under the said recited Acts or Parts of Acts, or any of them, before the Commencement of this Act, all which said Duties, Drawbacks, and Allowances, Penalties, Fines, and Forfeitures, may be demanded, recovered, and paid, sued for, enforced, and recovered, and condemned, as if this Act had not been passed.*

Commencement of Act.

LXVIII. And be it enacted, That this Act shall commence and take effect on the Eleventh Day of *October* One thousand eight hundred and thirty-nine.

Act may be amended, &c.

LXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXIV.

An Act to repeal the Duties and Drawbacks of Excise on Bricks, and to grant other Duties and Drawbacks in lieu thereof, and to consolidate and amend the Laws for collecting and paying the said Duties and Drawbacks.

[19th July 1839.]

‘ **W**HEREAS it is expedient to repeal the Duties and Drawbacks of Excise on Bricks, and to grant other Duties and Drawbacks in lieu thereof, and to consolidate and amend the Regulations for the securing and collecting the said Duties, and claiming and paying the said Drawbacks; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Duties and Drawbacks of Excise on Bricks, and the several Acts and Parts of Acts of Parliament following; (that is to say,) an Act passed in the Second Session of Parliament in the Twenty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for granting to His Majesty certain Rates and Duties upon Bricks and Tiles made in Great Britain, and for laying additional Duties on Bricks and Tiles imported into the same*; an Act passed in the Twenty-fifth Year of the Reign of

Repeal of Duties and Drawbacks, and the Acts for collecting them.

24 G. 3. c. 24.
Sess. 2.

His

His said late Majesty King George the Third, intituled *An Act to explain and amend an Act made in the Twenty-fourth Year of the Reign of His present Majesty, intituled 'An Act for granting to His Majesty certain Rates and Duties upon Bricks and Tiles made in Great Britain, and for laying additional Duties on Bricks and Tiles imported into the same;'* an Act passed in the Thirty-fourth Year of the Reign of His said late Majesty, intituled *An Act for granting to His Majesty certain additional Duties on Bricks and Tiles made in or imported into Great Britain;* so much of an Act passed in the Forty-third Year of the Reign of His said late Majesty, intituled *An Act to repeal the Duties of Excise payable in Great Britain, and to grant other Duties in lieu thereof,* as grants any Duty or Drawback on Bricks, or relates to the Collection or Management of such Duty; so much of an Act passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled *An Act for granting to His Majesty several additional Duties of Excise in Great Britain,* as grants any Duty or Drawback on Bricks, or relates to the Collection or Management of such Duty; and so much of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend several Laws of Excise relating to Bonds on Excise Licences in Ireland, Tiles and Bricks for draining, Oaths on Exportation of Goods, Permits for the Removal of Tea in Ireland, Size of Casks in which Spirits may be warehoused in Scotland and Ireland, the Allowance of Duty on Starch and Soap used in certain Manufactures, and the Repayment of Money advanced by Collectors of Excise for Public Works in Ireland,* as relates to the Duty on Bricks, shall be and the same are hereby repealed, save and except so far as the same repeal any former Act or Part of any Act: Provided always, that any of the said Duties which shall have been charged and incurred, and any Arrear thereof, and any Fine, Penalty, or Forfeiture which shall have been incurred, and any Drawback which shall be payable in respect of any Bricks removed or exported before the Commencement of this Act, shall and may be sued for, recovered, levied, and paid as if this Act had not been passed.

25 G. 3. c. 66.

34 G. 3. c. 15.

43 G. 3. c. 69.

45 G. 3. c. 30.

7 G. 4. c. 49.

Proviso as to Arrears and Fines.

II. And be it enacted, That, in lieu of the said Duties and Drawbacks hereby repealed, there shall be raised, levied, collected, and paid the Duties and Drawbacks following; (that is to say,)

New Duties and Drawbacks.

For and upon every Thousand Bricks, of a Size not exceeding One hundred and fifty Cubic Inches each Brick, which shall be made in Great Britain, or which shall be brought from Ireland into Great Britain, a Duty of	£ s. d.
	- 0 5 10
For and upon every Thousand of Bricks, exceeding the foregoing Size, which shall be made in Great Britain, or which shall be brought from Ireland into Great Britain, a Duty of	- 0 10 0
For all Bricks made in Great Britain on which the Duties imposed in respect thereof shall have been charged, and which shall be duly removed to Ireland or exported to Foreign Parts as Merchandize, a Drawback of	- - -

- The Duties paid.

III. And

Duties and Drawbacks to be under the Management of the Commissioners of Excise.

III. And be it enacted, That the said Duties and Drawbacks shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, collected, and applied, and paid and accounted for, in the same Manner as other Duties and Drawbacks under the Management of the said Commissioners, and under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

Brickmakers to make Entry with the Excise of their Brick Fields, &c.

IV. And be it enacted, That all and every Person who shall make or manufacture any Bricks within *Great Britain* shall, before he shall begin to make or prepare any such Bricks, make a true and particular Entry in Writing, signed by such Maker of Bricks, or by each such Maker in case of Partnership, and setting forth his or their Place or Places of Abode, of every Field, Shed, Workhouse, Room, or other Place where such Bricks are intended to be made or prepared for making, by delivering such Entry to the Officer of Excise in whose Survey his Field, Shed, Workhouse, Room, or other Place shall be situated; and in default thereof such Person shall forfeit for every unentered Field, Shed, Workhouse, Room, or other Place One hundred Pounds, together with all Bricks made or preparing for making found therein.

Power for Officers of Excise to enter Brick Fields and take an Account of Bricks.

V. And be it enacted, That it shall be lawful for any Officer of Excise at all Times, upon his Request, to enter into any Field, Shed, Workhouse, Room, or other Place made use of by any Maker of Bricks for the making or preparing of any Bricks, and to examine and inspect every such Field, Shed, Workhouse, Room, or Place, and every Kiln, Stove, or Clamp thereon or therein, and to examine, and, by counting, measuring, or otherwise, to take an Account of all Bricks, and the Dimensions thereof, made or manufactured or making or preparing by any such Maker; and every Maker of Bricks into whose Field, Shed, Workhouse, Room, or other Place any Officer of Excise shall, on his Request, be hindered or prevented from entering, shall forfeit One hundred Pounds.

When Bricks are to be charged with Duty.

VI. And be it enacted, That all Bricks shall be from Time to Time taken an Account of and charged with Duty by the Officer of Excise whilst such Bricks shall be in the Operation of drying or hardening in the Field, Shed, Workhouse, Room, or Place where the same shall be made or prepared, or placed to dry and harden after being turned out of the Mould or otherwise made into Shape, and before being removed to the Kilns or Clamps for burning; and every Maker of Bricks who shall, by himself or his Workmen, molest or hinder any Officer of Excise in examining or taking an Account of the Number, Kind, or Dimensions of such Bricks in that or in any other Stage of the Operation of preparing, making, or finishing such Bricks shall forfeit Fifty Pounds.

In charging the Duty on Bricks Ten per Cent. to be allowed for Waste.

VII. And be it enacted, That every Officer of Excise shall and he is hereby required, in charging the Duties upon Bricks, to allow to the respective Makers thereof Ten Bricks in every One hundred of such Bricks which such Officer shall charge upon the respective Makers thereof when charged in the Field, Shed, Workhouse, Room, or other Place where placed to dry or harden before burnt, which Allowance shall be in full for all Waste, Losses, or Damages whatever.

VIII. And

VIII. And be it enacted, That all Bricks whilst in the Operation of drying or hardening in the Field, Shed, Workhouse, Room, or Place where made or prepared, or placed to dry and harden, shall be placed, disposed, and arranged in such Manner and Form as that the Officer of Excise may readily and securely take an Account thereof; and every Maker of Bricks who shall place, dispose, or arrange, or cause to be placed, disposed, or arranged, any such Bricks in any irregular or unusual Manner, so as to render it difficult or insecure for the Officer of Excise to take an Account thereof, or who shall practise or endeavour to practise any Art, Device, or Contrivance by which any Officer of Excise may be deceived or prevented from obtaining a true Account of any Bricks, shall forfeit Fifty Pounds.

Bricks to be placed so that the Officer may readily take an Account of them; and Penalty for placing them irregularly.

IX. ' And whereas Bricks may be made of such a Shape that it ' may be difficult to ascertain with Accuracy the true cubical ' Contents thereof, whereby Doubts or Disputes may arise whether ' such Bricks are subject to the higher or to the lower Rate of Duty ' imposed by this Act; ' be it therefore enacted, That every Maker of Bricks shall provide, to the Satisfaction of the Supervisor of Excise, a Mould adapted and proper, and similar to the Moulds in ordinary Use by such Maker, for forming and turning out a Brick Ten Inches long, Three Inches thick, and Five Inches wide; which Mould, when approved of by the Supervisor of Excise, shall be stamped or branded by him with the Word "Excise," and shall be delivered into the Custody of such Maker, to be by him kept for the Use of the Officer surveying such Maker of Bricks; and if any Dispute shall arise as to whether any Bricks, the cubical Contents of which may be difficult to ascertain, are of a greater Size than One hundred and fifty Cubic Inches, and so subject to the higher Rate of Duty, the Officer of Excise shall take indifferently from the Quantity of Bricks the Size whereof shall be disputed Three Bricks, and shall press the Clay composing each of such Three Bricks into the said Mould and turn the same out as a Brick; and if upon such Three Trials any Two of such Bricks, or the Clay composing the same respectively, shall not be more than sufficient to fill such Mould, and form a Brick of the Dimensions of Ten Inches long, Three Inches thick, and Five Inches wide, the whole of such Bricks shall be deemed and taken to be Bricks not exceeding One hundred and fifty Cubic Inches, and subject to the lower Rate of Duty; but if any Two of such Bricks, or the Clay composing the same respectively, shall be more than sufficient to fill such Mould, so that a larger Brick than of the Dimensions aforesaid would be produced if the Whole of such Brick or the Clay composing the same were pressed into a Mould of sufficient Capacity to receive the Whole of such Brick or Clay, then the whole Quantity of the Bricks in dispute shall be deemed and taken to be Bricks exceeding One hundred and fifty Cubic Inches, and subject to the higher Rate of Duty, and shall be charged with Duty accordingly.

Mould to be provided for determining the Size of irregular-shaped Bricks, and whether liable to the higher or lower Rate of Duty.

X. And be it enacted, That every such Mould so approved of by the Supervisor of Excise, and stamped or branded with the Word "Excise," shall be kept safely and securely by the Maker of Bricks into whose Custody the same shall be delivered, and shall at all Times be produced to any Officer of Excise demanding

The Pattern Mould to be kept securely, and delivered to the Officer on Demand, &c.

the same; and every Maker of Bricks who shall injure or damage any such Mould, or alter the Dimensions thereof, or who shall refuse or neglect at any Time to produce the same to any Officer of Excise on Demand, or to suffer or allow any such Officer to use the same, or who shall obstruct, oppose, or hinder any Officer of Excise from or in using the same, or who shall not, by himself or his Workmen, if required, aid and assist any Officer in using the same, shall forfeit Twenty Pounds.

Bricks not to be removed to the Kiln or Clamp for burning until charged with Duty.

XI. And be it enacted, That every Maker of Bricks who shall remove, take, or carry, or cause to be removed, taken, or carried, to the Kiln, Clamp, or other Place for burning, any Bricks from the Field, Shed, Workhouse, Room, or Place where such Bricks shall be placed to dry and harden before the same shall have been taken account of and charged with Duty by the proper Officer of Excise, shall forfeit Fifty Pounds; and all Bricks so removed, taken, and carried to the Kiln, Clamp, or other Place for burning shall also be forfeited.

Penalty and Forfeiture not incurred if the Officer shall not attend upon Notice, &c.

XII. Provided always, and be it enacted, That no Maker of Bricks shall be subject to the said Penalty or Forfeiture for removing Bricks to the Kiln, Clamp, or other Place for burning if the proper Officer of Excise shall have failed to attend and take an Account of such Bricks, on due Notice given to him for that Purpose Three Days before such Removal, and if such Maker shall on the next Visit or Survey of the Officer of Excise deliver to such Officer an Account of the Number and Sizes of the Bricks so removed.

Uncharged Bricks to be kept separate from charged.

XIII. And be it enacted, That every Maker of Bricks shall at all Times keep all such Bricks as shall not have been taken account of, and charged with Duty by the proper Officer of Excise, separate and apart from all other Bricks which shall have been taken account of and charged with Duty, on pain of forfeiting Twenty Pounds.

Penalty on concealing Bricks to evade the Duty.

XIV. And be it enacted, That every Maker of Bricks who shall fraudulently convey away, hide, or conceal, or cause to be conveyed away, hidden, or concealed, any Bricks, with Intent to evade the Duty thereon, or any Part thereof, shall, over and above all other Penalties, forfeit One hundred Pounds, together with all the Bricks so conveyed away, hidden, or concealed.

Officer at the End of every Six Weeks to make out a Return of Duty which is to be paid in the next Six Weeks.

XV. And be it enacted, That every Officer of Excise under whose Survey any Maker of Bricks shall be, or any other Officer who shall be appointed so to do, shall from Time to Time, at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Excise shall direct, make out and deliver to the Collector of Excise, or to such Person as the Commissioners of Excise shall appoint to receive the same, an Account or Return in Writing of the Number of Bricks made by such Maker, and for which he shall have become chargeable with Duty in such preceding Six Weeks or Period, and of the Duty payable thereon, according to the Number and the respective Sizes of such Bricks, and shall also leave a Copy of such Account or Return with such Maker; and the Account or Return of such Officer shall be a Charge on every such Maker of Bricks, who shall pay and clear off the Duty appearing by such Return to have become due within Six Weeks after such Account or Return shall have been

made, or in default thereof shall forfeit Double the Amount of such Duty.

XVI. And be it enacted, That all Bricks of whatever Form and in what Manner soever made, whether by being pressed in a Mould and turned out or made into Shape in any other Manner, shall be deemed and taken to be Bricks within the Meaning of this Act, and shall be chargeable with the Duties and the Maker thereof subject to the Regulations by this Act imposed and provided.

All Bricks to be within the Provisions of this Act.

XVII. And in order to prevent the Duties hereby imposed from being evaded by Bricks being denominated Tiles, be it enacted, That nothing shall be deemed or taken to be a Tile which shall not, when turned out of the Mould (except Tiles for covering Houses or Buildings or draining Lands,) be a perfect Square, or which shall when so turned out be of greater Thickness in any one Part than One Inch and Seven Tenths of an Inch if under Eight Inches Square, or of greater Thickness in any one Part than Two Inches and a Half if more than Eight Inches Square, or which shall have any Incisions made therein so as to allow of being easily separated or divided after being burned: Provided always, that it shall be lawful for the Commissioners of Excise to determine that Tiles made otherwise than square shall not be considered as Bricks chargeable with Duty, on being satisfied that the same are intended to be used solely as Tiles.

For preventing Bricks being passed under the Denomination of Tiles.

XVIII. ' And whereas it is expedient to exempt from the Duties ' by this Act imposed Bricks made for the sole Purpose of draining wet and marshy Land;' be it therefore enacted, That it shall be lawful for any Person to make Bricks for the sole Purpose of draining wet and marshy Lands without being charged or chargeable with any Duty for or in respect of such Bricks, all such Bricks being in the making thereof stamped or moulded with the Word "Drain" in or near the Centre of the Surface of such Bricks, in so plain and distinct a Manner that the same may be easily and clearly legible to any Officer of Excise or other Person examining the same both before and after such Bricks shall have gone through the Process of burning and become fit for Use: Provided always, that it shall not be lawful for any Person to employ or make use of any such Bricks for any other Purpose than in draining wet and marshy Lands, and in constructing the necessary Drains, Gouts, Culverts, Arches, and Walls of the Brickwork proper and necessarily required for effecting and maintaining the Drainage of such Lands; and every Maker of such Bricks or other Person who shall sell or deliver or use or employ any Brick with the Word "Drain" so stamped or moulded thereon for any other Purpose than as aforesaid shall forfeit Fifty Pounds.

Bricks may be made Duty-free for draining wet and marshy Land.

XIX. And be it enacted, That the Proprietor or Consignee of any Bricks removed from *Ireland* into *Great Britain* shall, on the Arrival of the Ship or Vessel at the Port or Place into which the same shall be brought, make due Entry with the Collector or other Officer of Excise appointed to receive the same at such Port or Place of such Bricks on board such Ship or Vessel, setting forth the Number and Sizes of such Bricks, and shall pay the Duties on such Bricks; and if within Twenty-four Hours after the Arrival of any Ship or Vessel, due Entry of any Bricks on board thereof

Entry to be made of and Duty paid on Bricks brought from Ireland into Great Britain.

brought from *Ireland* into *Great Britain* shall not be made, or if any such Bricks shall be removed from the Quay, Wharf, or Place where landed before the full Duties thereon shall be fully paid, all such Bricks shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person who shall remove or aid or assist in removing any such Bricks before the full Duties thereon shall have been duly paid shall forfeit One hundred Pounds.

Notice to be given and Bond entered into for shipping Bricks to Ireland or Foreign Parts on Drawback.

XX. And be it enacted, That every Person intending to remove to *Ireland* or to export to Foreign Parts as Merchandize any Bricks on Drawback shall, by himself or his Agent, give to the Export Officer of Excise, or Officer acting as such, at the Port of Exportation, a Notice in Writing of his Intention to ship such Bricks Twelve Hours at least before such Shipment shall be made, in which Notice shall be specified the Number of Bricks to be shipped and the Sizes thereof, with the Rate and Amount of the Duty paid and of the Drawback claimed thereon, and the Value of such Bricks for Home Consumption, and shall also specify the Time of Shipment, with the Name of the Ship and Master thereof, and the Quay or Place where such Vessel is then lying, and from whence the said Bricks are to be shipped, and the Port or Place to which such Bricks are to be removed or exported; and the Person intending to remove or export such Bricks shall also, by himself or his Agent, make a Declaration before the Export Officer of Excise, or Officer acting as such, under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths, that to the best of his Knowledge and Belief the full Duties of Excise have been charged and secured on all the said Bricks, and shall also give Bond with One or more sufficient Surety or Sureties, to be approved of by the Officer appointed by the Commissioners of Excise to take such Bond, in Treble the Value of the Drawback, conditioned that the said Bricks shall with all convenient Speed be shipped, and removed and exported, and shall not be unloaded, unshipped, or relanded, or put on board any other Ship or Vessel in *Great Britain*, Shipwreck or other unavoidable Accident excepted; and such Notice having been given and Declaration made as aforesaid, and such Security having been entered into, the Officer of Excise receiving the same shall write his Name on the said Shipping Notice as a Certificate of the Requisites aforesaid having been complied with, and shall transmit and forward the said Notice, with his Name written thereon, to the proper Officer of Customs at the Port whose Duty it may be to attend the shipping of such Goods.

5 & 6 W. 4. c. 62.

Bricks to be shipped in the Presence of the Officer of Customs, who is to take an Account

XXI. And be it enacted, That the Officer of Customs attending on the Vessel in which the said Bricks are to be shipped, and to whom the said Shipping Notice shall be transmitted, shall see the said Bricks shipped, and shall take, or cause to be taken in his Presence, an Account of the Number of such Bricks which may be

be shipped, and examine the same, or as many thereof as he shall deem necessary, to ascertain that the Sizes thereof correspond with the Shipping Notice; and such Officer of Customs having seen the said Bricks, or as many of them as the Vessel may be capable of receiving, duly taken account of and shipped, shall certify such Shipment, with the Number of Bricks shipped and the Sizes thereof, on the said Shipping Notice, and shall return the same to the Export Officer of Excise, or Officer acting as such; and such Export or other Officer, having received back the said Notice with the said Certificate thereon, shall deliver to the Exporter or his Agent a Debenture for the Payment, in Six Weeks from the Time of Shipment, of the Amount of Drawback on the Number of Bricks shipped according to the Certificate of the Officer of Customs: Provided always, that in Case the whole Quantity of Bricks of which Notice shall have been given shall not be shipped, so that a less Amount of Drawback will be payable than stated in the Shipping Notice, the Officer of Excise who shall have received the Bond shall, in the Margin thereof or by Indorsement thereon, state the real Amount of Drawback to be payable, and in such Case Treble the Amount of such real Drawback shall be the Penalty of the Bond.

of them and certify the Shipment and Debenture then to be granted.

XXII. Provided always, and be it enacted, That no Debenture for the Payment of Drawback on any Bricks removed to *Ireland*, or exported to *Guernsey*, *Jersey*, *Alderney*, or the *Isle of Man*, shall be paid, until a Certificate shall be produced of the due landing thereof under the Hand of the Chief Officer of Customs of the Port in *Ireland* or of the said Islands respectively.

As to granting Debenture on Shipments to *Ireland*, &c.

XXIII. And be it enacted, That no Drawback shall be allowed or payable on any Bricks having the Word "Drain" stamped or moulded thereon, or on any Bricks which shall not be sound and unbroken, and well and perfectly made and manufactured, and worth at least the Duties of Excise charged thereon if sold for Home Consumption.

Drawback not to be allowed on broken Bricks, &c.

XXIV. And be it enacted, That every Person who shall produce to any Officer of Excise or Customs to be shipped for Removal to *Ireland*, or Exportation on Drawback, any Bricks not entitled to Drawback under the Provisions of this Act, or who shall ship for Removal to *Ireland* or Exportation on Drawback any such Bricks, or who shall fraudulently deposit or remove any Bricks, or use any Device or Contrivance with Intent unduly to obtain any Drawback, or any higher Amount of Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or One hundred Pounds, at the Election of the Commissioners of Excise; and all such Bricks shall be forfeited, and may be seized by any Officer of Excise or Customs.

Penalty on fraudulently endeavouring to obtain Drawback.

XXV. And be it enacted, That this Act shall commence and take effect from and after the Twenty-second Day of *August* One thousand eight hundred and thirty-nine.

Commencement of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. XXV.

An Act to remove Doubts as to the charging certain of the Duties of Excise on Glass. [19th July 1839.]

1 & 2 Vict. c. 44. **W**HEREAS by an Act passed in the First and Second Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass*, the several Acts previously in force imposing the Duties of Excise on Glass, and containing the Regulations for collecting the said Duties, were repealed: And whereas the several Duties on Glass imposed by the said Acts so repealed were re-enacted and continued by the said recited Act, and amongst others a Duty of One Pound Ten Shillings for every Hundred Weight of Spread Window Glass, commonly called or known as Broad Glass, and so in proportion for any greater or less Quantity, and also another Duty of Three Pounds Thirteen Shillings and Sixpence for every Hundred Weight of Crown Glass and *German Sheet Glass*, and so in proportion for any greater or less Quantity: And whereas Doubts have arisen whether the said Duty of One Pound Ten Shillings should be charged on any other Glass than such as was commonly known as Broad Glass before the passing of the said recited Act, and it is expedient to remove such Doubts, in order to prevent other than such Broad Glass being charged at the said Duty, and exported when cut up at a higher Rate of Drawback than the same would be entitled to according to the Duty paid: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Duty of One Pound Ten Shillings *per* Hundred Weight shall apply to and be charged and payable only on Broad or Spread Glass; and that no Glass shall be deemed or taken to be Broad or Spread Glass which shall not be blown in Cones, and opened and spread on Sand, and in all respects be made and manufactured in the Manner practised, and be such Glass as was commonly known as Broad or Spread Glass, before the passing of the said recited Act of Her Majesty's Reign; and that all other Window Glass, or Glass capable of being used as Window Glass, not being such Broad or Spread Glass or Plate Glass, in whatever Way made, whether flashed or blown and opened, or otherwise manufactured, shall be charged and pay the said Duty of Three Pounds Thirteen Shillings and Sixpence *per* Hundred Weight as Crown or *German Sheet Glass*, according to the Denomination which shall seem most appropriate to the same.

Mode of charging Duty on certain Sort of Glass.

C A P. XXVI.

An Act to provide for the Enactment of certain Laws in the Island of *Jamaica*. [19th July 1839.]

WHEREAS it is expedient to take Measures for the good Government of the Island of *Jamaica*: And whereas the House of General Assembly of the said Island, by an Address to the Governor thereof, on the Second Day of *November* One thousand

‘ thousand eight hundred and thirty-eight, stated, that for the
 ‘ Reasons therein set forth they had come to the Determination
 ‘ to abstain from the Exercise of any Legislative Functions, ex-
 ‘ cept such as might be necessary to preserve inviolate the Faith
 ‘ of the Island with the Public Creditor, until they shall be left to
 ‘ the free Exercise of their inherent Rights as *British* Subjects :
 ‘ And whereas the Legislature of the said Island, having been
 ‘ prorogued, did subsequently meet on the Third Day of *Novem-*
 ‘ *ber* One thousand eight hundred and thirty-eight, and the House
 ‘ of General Assembly, on the said Third Day of *November* de-
 ‘ clared their Adherence to such their former Determination : And
 ‘ whereas the House of Assembly of the said Island having been
 ‘ dissolved, the Legislature thereof did subsequently meet on the
 ‘ Eighteenth Day of *December* One thousand eight hundred and
 ‘ thirty-eight, and the newly-elected House of General Assembly,
 ‘ on the Twentieth Day of the Month of *December* aforesaid, de-
 ‘ clared their Adherence to the Determination aforesaid of the
 ‘ preceding House of General Assembly, whereupon the Governor
 ‘ of the said Island prorogued the said House of General Assembly,
 ‘ and has continued the same under Prorogation : And whereas
 ‘ several temporary Laws of the said Island have been suffered to
 ‘ expire, some of which ought without Delay to be revived or re-
 ‘ enacted : And whereas it is necessary that Provision should be
 ‘ made by Parliament for the Purpose aforesaid :’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That from and after the Expiration of
 Two Calendar Months from the Time of the said House of
 General Assembly being assembled by the Governor, it shall be
 lawful for the Governor of the said Island of *Jamaica*, with the
 Advice and Consent of the Council, by any Law or Ordinance to
 be made by them for that Purpose, to revive and continue in
 force, or to re-enact, in whole or in part, all or any of the Laws
 of the said Island which shall have expired since the Second Day
 of *November* One thousand eight hundred and thirty-eight, and
 which shall not have been before then revived or continued in
 force or re-enacted by any Acts or Act of the Governor, Council,
 and Assembly of the said Island ; and every such Law, when so
 revived or re-enacted as aforesaid, shall have the same Force and
 Authority as if the same had been continued, revived, or re-
 enacted by an Act of the Governor, Council, and Assembly of
 this said Island : Provided always, that no such expired Laws shall
 by such Ordinance as aforesaid be continued in force beyond the
 Thirty-first Day of *December* One thousand eight hundred and
 forty : Provided also, that it shall be lawful for Her Majesty,
 with the Advice of Her Privy Council, to disallow any Ordinance
 so to be made for the Purpose aforesaid, in such and the
 same Manner as Her Majesty in Council may disallow any Act of
 the Governor, Council, and Assembly of the said Island : Provided
 also, that a Copy of any Ordinance which shall be made in pursu-
 ance of this Act shall be laid before both Houses of Parliament.

II. And be it enacted, That it shall be lawful for the Governor,
 Council, and Assembly of the said Island, by any Act to be passed
 for

After Expira-
 tion of Two
 Months from
 the Time of
 the House of
 General As-
 sembly being
 assembled, the
 Governor and
 Council may
 revive expired
 Laws ;

and alter any
 Ordinances
 under this Act.

for that Purpose, to repeal or alter any Ordinance which shall be made in pursuance of this Act.

Who shall be deemed the Governor.

III. And be it declared and enacted, That, for the Purposes and within the Meaning of this Act, the Officer for the Time being administering the Government of *Jamaica* shall be deemed and taken to be the Governor thereof.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

C A P. XXVII.

An Act for regulating the Proceedings in the Borough Courts of *England* and *Wales*. [19th July 1839.]

5 & 6 W. 4. c. 76.

6 & 7 W. 4. c. 105.

Judges of Courts of Record in Boroughs empowered to make, &c. Rules for regulating the said Courts.

Such Rules to be confirmed by Three Judges.

Courts to be held Four Times yearly.

Personal Actions to be by Summons.

‘ WHEREAS great Difficulty has been found in framing legal and convenient Rules for regulating the Practice of Borough Courts under the Authority given for that Purpose by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and by an Act passed in the Session holden in the Sixth and Seventh Years of the same Reign, intituled *An Act for the better Administration of Justice in certain Boroughs*; and it is expedient that the Power to make Rules for regulating the Proceedings of such Courts, subject to the Approbation and Confirmation of the Judges of the Superior Courts of Common Law at *Westminster*, should be explained and in some respects enlarged:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Borough named in the Schedules A. and B. to the first herein-before mentioned Act annexed, in which by Charter, Custom, or otherwise, there is or ought to be holden a Court of Record for the Trial of Civil Actions, every Judge of such Court shall have Authority to make, alter, and revoke such Rules for appointing the Times of holding such Court, for regulating the Forms and Manner of proceeding, the Process, Appearance, Practice, and Pleadings in such Court, and for settling the reasonable Fees of the Attornies of the Court for Business transacted therein, as shall from Time to Time seem to him necessary and proper for expediting the Business of such Court with most Convenience, and at the smallest reasonable Expence: Provided always, that no such Rules, or any Order revoking or altering such Rules, shall be of any Force until they shall have been allowed and confirmed by Three of the Judges of the Superior Courts of Common Law at *Westminster*.

II. Provided also, and be it enacted, That every such Court shall be holden for the Trial of Issues of Fact and of Law Four Times at least in each Year, and with no greater Interval between the holding of any Two successive Courts than Four Calendar Months.

III. And be it further enacted, That from and after the First of *September* next all personal Actions brought in the Borough Courts

Courts of *England* and *Wales* shall be commenced by Writ of Summons.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

C A P. XXVIII.

An Act for more equally assessing and levying Watch Rates in certain Boroughs. [19th July 1839.]

‘ WHEREAS by reason of the Restrictions contained in an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, the Watch Rate authorized by the said Act to be levied upon those Parts of the Boroughs within the Provisions of the said Act which are regularly watched is insufficient for that Purpose, and the Deficiency in many Cases is paid out of the Borough Rate, to which all Parts of the Borough, whether or not regularly watched, are liable: For Remedy thereof be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Council of any Borough named in either of the Schedules to the said Act to levy a Watch Rate upon the Occupiers of all Messuages, Lands, Tenements, and Hereditaments within those Parts of the Borough which shall be watched by Day and by Night, and which from Time to Time, by any Order of the Council of any such Borough, shall be declared liable to such Watch Rate; and every such Rate shall be made upon an Estimate of the net annual Value of the several Hereditaments rated thereunto, that is to say, of the Rent at which, one Year with another, the same might in their actual State be reasonably expected to let from Year to Year, the probable annual Average Cost of the Repairs, Insurances, and other Expences (if any) necessary to maintain the Hereditaments in their actual State, and all Rates, Taxes, and public Charges, except Tithes or Tithe Commutation Rent-charges (if any), being paid by the Tenant, and either by One Rate made yearly, or by Two or more Rates made half-yearly, or otherwise: Provided always, that no such Rate shall exceed, in any One Year, the Rate of Sixpence in the Pound on the net annual Value of the Hereditaments rated thereunto, unless in those Boroughs in which, at the Time of passing the said Act, the Sum authorized by the said Act to be levied by way of Watch Rate exceeded the Sum which might have been then raised by the said Rate of Sixpence in the Pound; and in such Cases as last aforesaid it shall be lawful to levy a Watch Rate under this Act upon all the Hereditaments liable thereunto, at such Rate as would have sufficed to raise such greater Sum: Provided also, that nothing herein contained shall be construed to extend to either of the Universities, so as to make the Members thereof liable to pay to any Rate to be made in pursuance of this Act to which the said Universities or the Members thereof were not liable to contribute before the passing of this Act, nor shall be deemed

5 & 6 W. 4. c. 76.

Watch Rate may be levied not exceeding 6d. in the Pound, or in certain Cases the Average Rate.

deemed to affect the Liability of the Borough Fund to make good any Deficiency of the Watch Rate towards the Expences of the Police, should any such Deficiency arise, nor to make liable to the Watch Rate any Lands, Tenements, or Hereditaments which are now exempted by any Local Act from the Payment of Watch Rates, or to alter the comparative Liability of any Lands, Tenements, or Hereditaments to the Watch Rate, which by any Local Act are now, in respect of any Watch Rate, entitled to any Deduction from or chargeable with any Increase upon an equal Pound Rate; but the like comparative Deductions and increased Charges shall be made in respect of such Hereditaments in the Rates to which such Hereditaments shall be rated under this Act.

As to the Powers of the Council of any Borough.

II. And be it enacted, That for the Purposes aforesaid the Council of every such Borough, and all other Persons interested or concerned therein, shall have all the Powers heretofore given to them respectively, in the Matter of the Borough Rate and Watch Rate or either of them, by the said Act or by any other subsequent Act, for ordering, making, assessing, levying, raising, collecting, or paying the same, or as near thereto as the Nature of the Case will admit.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

C A P. XXIX.

An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws. (a) [19th July 1839.]

6 G. 4. c. 16.

‘ WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled ‘ *An Act to amend the Laws relating to Bankrupts*, it was among ‘ other things enacted, that all Payments really and *bonâ fide* made ‘ by any Bankrupt or by any Person on his Behalf, before the Date ‘ and issuing of the Commission against such Bankrupt, to any ‘ Creditor of such Bankrupt, (such Payment not being a fraudulent ‘ Preference of such Creditor,) should be deemed valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, and that all Payments really and *bonâ fide* made to any ‘ Bankrupt before the Date and issuing of the Commission against ‘ such Bankrupt should be deemed valid, notwithstanding any ‘ prior Act of Bankruptcy committed, and that such Creditor ‘ should not be liable to refund the same to the Assignees of such ‘ Bankrupt, provided the Person so dealing with the Bankrupt had ‘ not at the Time of such Payment to such Bankrupt Notice of ‘ any Bankruptcy committed: And whereas by an Act passed in ‘ this present Session of Parliament, intituled *An Act for the better ‘ Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy*, it is amongst other things ‘ enacted, that all Conveyances by any Bankrupt *bonâ fide* made ‘ and executed before the Date and issuing of the Fiat against ‘ such Bankrupt shall be valid, notwithstanding any prior Act of ‘ Bankruptcy by him committed, provided the Person or Persons ‘ to whom such Bankrupt so conveyed had not at the Time of

2 Vict. c. 11.

(a) [See ante, Chap. 11.]

‘ such

' such Conveyance Notice of any prior Act of Bankruptcy by him committed: And whereas it is expedient that further Protection should be given to Persons dealing with Bankrupts before the issuing of any Fiat against them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts, Dealings, and Transactions by and with any Bankrupt really and *bonâ fide* made and entered into before the Date and issuing of the Fiat against him, and all Executions and Attachments against the Lands and Tenements or Goods and Chattels of such Bankrupt, *bonâ fide* executed or levied before the Date and issuing of the Fiat, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person or Persons so dealing with such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Contract, Dealing, or Transaction, or at the Time of executing or levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by him committed; provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment made by any Bankrupt being a fraudulent Preference of any Creditor or Creditors of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit given by any Bankrupt by way of such fraudulent Preference.

II. And be it further enacted, That this Act may be repealed or altered by any other Act in this present Session of Parliament.

All Contracts, &c. *bonâ fide* made by and with any Bankrupt previous to the Date and issuing of any Fiat to be valid, &c. if no Notice had of prior Bankruptcy.

Act may be repealed, &c.

C A P. XXX.

An Act for apportioning the Spiritual Services of Parishes in which Two or more Spiritual Persons have Cure of Souls generally throughout the Parish. [19th July 1839.]

' WHEREAS there are several Benefices, in every of which more than One Spiritual Person is instituted or otherwise admitted to the Cure of Souls generally within the same: And whereas it would conduce to the Spiritual Good of the Inhabitants if the Cure of Souls were apportioned between or among the said Spiritual Persons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Bishop of the Diocese in which any such Benefice having more than One Spiritual Person instituted or otherwise admitted or licensed to the Cure of Souls generally within the same is locally situated, from Time to Time to direct a Decree, with Intimation, to issue from the Registry of the Diocese, calling upon the Spiritual Persons instituted or otherwise admitted to the Cure of Souls, and upon the Churchwardens or Chapelwardens and other Inhabitants of any such Benefice, or any of them, to show Cause before the Bishop in Person, at a Time and Place specified in such Decree, such Time not being within One Month from the Service of such Decree, and such Place being within the Diocese, why the Spiritual

In Benefices where there are more than One Spiritual Person instituted to the Cure of Souls the Bishop may order an Apportionment of Spiritual Duties, if no Cause is shewn to the contrary.

Spiritual Duties of such Benefice should not be apportioned between or among such Spiritual Persons in the Manner and in the Proportions specified in such Decree; and if at the Time and Place appointed Cause to the contrary be not shown to the Satisfaction of the said Bishop, it shall be lawful for him to issue an Order in pursuance of and in conformity with such Decree, or, if Cause be shown, to withhold, amend, or vary such Order, as to him may seem just and proper; and every such Order shall issue under the Hand and Episcopal Seal of the Bishop, and shall, on its being issued, be registered in the Registry of the Diocese; and every such Decree and Order shall be served on every such Spiritual Person thereby affected, and on One of the Churchwardens or Chapelwardens of the Benefice, by delivering to them a Copy thereof, or leaving a Copy at the House or legal Residence of such Spiritual Person, Churchwardens or Chapelwardens, and on the Inhabitants of the Benefice, by affixing and leaving affixed a Copy thereof on the Doors of the several Churches or Chapels of such Benefice; and a Copy of such Order shall be deposited and preserved by the Churchwardens of the Parish or Parishes within such Benefice, or One of them, in the Parish Chest of every such Parish, and be shown without Fee to any Parishioner requiring to see the same, at reasonable Times; and in case any such Spiritual Person shall refuse or neglect to comply with such Order for the Space of One Month after such Service, or if any such Spiritual Person shall at any Time after such Service refuse or neglect to perform the Spiritual Duties of the Benefice in the Manner and Proportions in and by such Order directed, then and in any or either of such Cases it shall be lawful for the said Bishop to proceed against such Spiritual Person so neglecting or refusing to comply with such Order in the same Manner as the Bishop is empowered to proceed in the Case of a Spiritual Person by reason of whose Negligence the Ecclesiastical Duties of his Benefice are inadequately performed: Provided always, that any such Spiritual Person, or Churchwarden, Chapelwarden, or Inhabitant, who shall have appeared to show Cause against and who shall think himself aggrieved by any Order made by any Bishop in pursuance of the Powers given to the Bishop by this Act may, within Thirty Days from the Service of such Order, appeal against the same to the Archbishop of the Province, and the Archbishop shall hear and determine such Appeal, and confirm, revoke, or vary such Order, as to him may seem just and proper; and if he shall revoke or vary the same, such Revocation or Variation shall be registered in the Registry of the Diocese, and be served, preserved, shown, and enforced as herein-before directed with regard to the original Order; and it shall be lawful for the Archbishop, if he shall think fit, to order the Appellant to pay the Costs of such Appeal: Provided also, that in any Case in which an Appeal shall be interposed by any Spiritual Person Notice thereof shall forthwith be given, by or on behalf of the Bishop by whom the Order appealed from shall have been made, to the Churchwardens of the Parish and to the Spiritual Persons having the Cure of Souls in such Parish; and all Persons interested in such Order shall be entitled to be heard before the Archbishop to oppose the Revocation or Variation sought to be obtained by the original Appellant from such Order.

Proceedings in case of Neglect to comply with the Order.

Appeal.

Notice of Appeal.

C A P. XXXI.

An Act to continue until the First Day of *June* One thousand eight hundred and forty-one, and to the End of the then Session of Parliament, the Local Turnpike Acts in *England* and *Wales* which expire with this or the ensuing Session of Parliament. [29th July 1839.]

[C A P. XXXII.]

An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and forty-one, certain of the Allowances of the Duty of Excise on Soap used in Manufactures. [29th July 1839.]

‘ WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof*, certain Allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in the said Act, and which Allowances were to cease at the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And whereas by another Act passed in the Fifth and Sixth Years of His said late Majesty’s Reign the said Allowances were continued until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-eight: And whereas it is expedient that the said Allowances (except the Allowance for whitening of new Linen in the Piece for Sale) should be continued for a further Time:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale,) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and forty-one, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

3 & 4 W. 4. c. 16.

Certain Allowances of the Duty on Soap to be continued.

C A P. XXXIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. [29th July 1839.]

[This Act is the same, except as to Dates and the Section here inserted, as 1 & 2 Vict. c. 16.]

In case of Articles being lost the Court may order a Copy thereof to be enrolled.

IX. Provided always, and be it enacted, That in any Case in which the original Articles of Clerkship shall have been or shall hereafter be lost or destroyed before or after Payment of the Duty, it shall be competent to either of Her Majesty's Superior Courts at *Westminster* to direct the Enrolment of a Copy of such Articles, upon being satisfied, by such Evidence as shall appear to the Court sufficient to prove the Loss of such original Articles, the Authenticity of the Paper proposed for Enrolment, and that the Duty has been duly paid upon such Articles or upon the Copy thereof, to be shown by the denoting or other appropriate Stamp, as the Case may require, and provided such Court shall be satisfied that the Clerk has duly served under such Articles from the Time of the Execution thereof, or for such Time as shall appear satisfactory to the Court under the Circumstances of the Case.

C A P. XXXIV.

An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at *Fort William* and *Madras*; and to empower the same Courts, and the Supreme Court of Judicature of *Bombay*, to make Rules and Orders concerning Pleadings. [29th July 1839.]

‘ WHEREAS the Supreme Court of Judicature at *Fort William* in *Bengal* on the Fifteenth Day of *June* One thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at *Madras* on the Twenty-second Day of *February* One thousand eight hundred and thirty-seven, made and passed certain Rules and Orders whereby the Modes of pleading in the same Courts respectively were in some respects altered; and Doubts have arisen as to the Powers of the same Courts to make such Alterations without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Rules and Orders, so far as they altered the Modes of pleading in the said Supreme Courts at *Fort William* and *Madras* respectively, shall be deemed and taken to all Intents to have been lawfully made, and to have had and still to have the Force of Law.

The Rules for altering the Mode of pleading in the Supreme Courts at *Fort William* and *Madras* deemed to have been lawfully made.

Supreme Courts at *Bombay*, *Fort William*, and *Madras* may pass Rules for altering the Modes of pleading.

II. ‘ And whereas it is expedient to provide for giving Validity to any Rules or Orders which may be made by the Supreme Court of Judicature at *Bombay* for altering the Modes of pleading therein, and also to any other Rules or Orders which may hereafter be made by the said Supreme Courts of *Fort William* and *Madras* or either of them respecting the Modes of pleading in the same Courts respectively; be it therefore enacted, That the said Supreme Court of *Bombay* shall and may, by any Rules or Orders to be from Time to Time passed by the said Court make such Alterations, and the said Supreme Courts of *Fort William* and *Madras* shall and may, by any other Rules or Orders to be from Time to Time passed by the said Courts respectively, make such further Alterations in the Mode of pleading in the said Courts respectively, or in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law or Suits in Equity,

Equity, or any Civil or Ecclesiastical Causes, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect any such Alterations, as to the said Courts respectively may seem expedient; and all such Rules, Orders, or Regulations shall be submitted for Confirmation or Disallowance to the Governor General of *India* in Council immediately upon the making of the same; and every such Rule, Order, or Regulation shall to all Intents and Purposes have full Effect after it shall have been confirmed by the said Governor General of *India* in Council; but every such Rule, Order, and Regulation, when so confirmed, shall be transmitted to Her Majesty, Her Heirs or Successors, in Council, and shall be subject at any Time to be altered or rescinded by Her said Majesty, Her Heirs or Successors, in Council: Provided always, that no Rule or Order to be made by virtue of this Act shall have the Effect of depriving any Person of the Power of pleading the General Issue and giving the special Matter in Evidence in any Case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Such Rules to be subject to Confirmation by the Governor General; and may be altered or rescinded by the Privy Council.

III. And be it enacted, That nothing herein contained shall be construed to affect any Rights, Powers, or Privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.

Act not to affect Rights, &c. of Supreme Courts.

C A P. XXXV.

An Act to continue, for One Year, Compositions for Assessed Taxes, and to alter the Period for the Expiration of Game Certificates, and for granting Licences to deal in Game.

[29th July 1839.]

‘ **W**HEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue for Five Years, from the Fifth Day of April One thousand eight hundred and thirty-five, and to amend, the Acts for authorizing a Composition for Assessed Taxes*, the Compositions for Assessed Taxes now in force will expire on the Fifth Day of *April* One thousand eight hundred and forty; and it is expedient to continue the same for a further Term of One Year: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Duties payable under every Contract of Composition for the Duties of Assessed Taxes, and every Contract and Composition respectively now in force, shall be and the same are hereby respectively continued to Her Majesty, Her Heirs and Successors, to the like annual Amounts now payable, for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-one, to all Intents and under the same Rules and Privileges as if such Compositions did not by the *Laws* now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts passed relating to and for continuing the Duties of Compositions and Contracts for collecting

4 & 5 W. 4. c. 54.

Compositions extended for the further Term of One Year, ending 5 April 1841;

collecting the same, and for enforcing Payment thereof, shall be extended and applied to the Compositions and Contracts continued under this Act, to all Intents as if the same had been repeated and re-enacted in this Act.

except in Cases where Parties shall give Notice to determine the same on 5 April 1840.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty, and who shall, on or before the Tenth Day of *October* One thousand eight hundred and thirty-nine, give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

Game Certificates to expire on the 5th of July instead of the 5th of April.

III. ' And whereas by an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, certain Duties specified and set forth in Schedule (L.) to the said Act annexed are granted and made payable in respect of killing Game, and by the Rules contained in the said Schedule for charging the said last-mentioned Duties it is enacted, that every Person who intends to do or shall do any Act in the said Schedule mentioned, by reason of the doing of which he shall become chargeable with or liable to the said Duty thereby made payable, shall, before he shall do any such Act, pay the said Duty to the Collector of the Duties of Assessed Taxes, and obtain a Certificate thereof, in the Manner directed by the said Rules, which Certificate it is thereby declared shall continue in force until and upon the Fifth Day of *April* next after the Time of issuing the same, and no longer: And whereas great Inconvenience has been felt by reason of the Expiration of the said Certificates at a Period when the Collectors of the said Duties for the ensuing Year have not been appointed, whereby Persons are prevented from immediately obtaining renewed Certificates, and for Remedy thereof it is expedient that the Expiration of all such Certificates should be deferred until after the Period of the Year at which the said Collectors are usually appointed; be it therefore enacted, That all such Certificates as aforesaid which have been granted, and at the Time of the passing of this Act are now in force, and also all such Certificates as aforesaid which shall be granted at any Time after the passing of this Act, and before the Sixth Day of *July* in the Year One thousand eight hundred and forty, shall, notwithstanding any thing in the said recited Act, or in the aforesaid Schedule (L.) thereto annexed, or in any of the said Certificates contained to the contrary thereof respectively, continue in force until and upon the Fifth Day of *July* in the said Year One thousand eight hundred and forty, and shall then cease and determine, and that all such Certificates as aforesaid, which shall be granted at any Time after the Fifth Day of *July* in the said Year One thousand eight hundred and forty, shall continue in force until and upon the Fifth Day of *July* next after the Time of issuing the same, and no longer, any thing in any former Act or Acts contained to the contrary thereof in anywise notwithstanding; and in respect of all such

such Certificates as aforesaid which shall be issued after the passing of this Act, the Forms thereof contained in Schedule (N.) to the said Act annexed shall be altered as to the Period of the Expiration of the said Certificates, and shall be made conformable with the Provisions of this Act.

IV. ' And whereas by an Act passed in the First and Second Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to amend the Laws in England relative to Game*, it is enacted, that the Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Session in the Division or District for which they usually act, in the Month of *July* in every Year, for the Purpose of granting Licences to deal in Game: And whereas it is expedient that the said Justices of the Peace should be empowered to hold a Special Session for the Purpose aforesaid, not only in the Month of *July*, but also at any subsequent Period of the Year; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Justices of the Peace to hold in their respective Divisions or Districts a Special Session for the Purpose of granting Licences to deal in Game, not only in the Month of *July* but also at any Time and from Time to Time as often as they shall think fit after the said Month of *July* in every Year; and it shall also be lawful for the Majority of the said Justices (not being less than Two), assembled at any such Session or at any Adjournment thereof, to grant Licences to deal in Game, in the Manner directed by the said last-recited Act, and under and subject to the Provisions and Regulations thereof; provided always, that of the holding of any such Special Session Seven Days Notice shall be given to each of the Justices acting for the Division or District in which such Session is intended to be held; provided also, that every Licence to deal in Game, at whatever Time the same hath been or shall be granted, shall continue in force from the granting thereof until the First Day of *July* then next following, and no longer; any thing in the said last-recited Act, or in such Licence, to the contrary notwithstanding.

Justices to hold a Special Session as often as they think fit. for granting Licences to Persons to deal in Game. 1 & 2 W. 4. c. 32.

C A P. XXXVI.

An Act to regulate the Duties to be performed by the Judges in the Supreme Courts of *Scotland*, and to increase the Salaries of certain of the said Judges. [29th *July* 1839.]

' WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of Scotland*, by which the Jury Court and the Admiralty and Commissary Courts were abolished, and the Jurisdiction and Duties of the said Courts were transferred to the Court of Session, whereof the Number of Judges was reduced from Fifteen to Thirteen: And whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, intituled *An Act for making Provision for the Dispatch of the Business now done by the Court of Exchequer in* 2 & 3 VICT. M ' *Scotland*,

11 G. 4. & 1 W. 4. c. 69.

2 & 3 W. 4. c. 54.

50 G. 3. c. 31.

‘ Scotland, by which the Jurisdiction and Duties of the Court of
 ‘ Exchequer were transferred to certain Judges of the Court of
 ‘ Session, after the Retirement or Decease of the last remaining
 ‘ Baron of Exchequer, which Event has now happened: And
 ‘ whereas an Act was passed in the Fiftieth Year of the Reign of
 ‘ His Majesty King *George* the Third, intituled *An Act for aug-*
 ‘ *menting the Salaries of the Lords of Session, Lords Commis-*
 ‘ *sioners of Justiciary, and Barons of Exchequer, in Scotland, and*
 ‘ *Judges in Ireland*, by which the Salaries of Lords of Session
 ‘ and Lords Commissioners of Justiciary were augmented and
 ‘ regulated: And whereas His said late Majesty, by Commission
 ‘ bearing Date the Sixth Day of *August* Eighteen hundred and
 ‘ thirty-four, directed Letters Patent to be forthwith made and
 ‘ passed under the Seal appointed by the Treaty of Union to be
 ‘ kept and made use of in place of the Great Seal of *Scotland*,
 ‘ directing certain Persons therein named to make a diligent and
 ‘ full Inquiry into various Matters relative to the Law and Ad-
 ‘ ministration of Justice in *Scotland*; and in particular,

‘ First, “As to the Arrangements of Judicial Business in the
 ‘ Courts of Session and other Courts;”

‘ Secondly, “As to the Execution of the Duties formerly dis-
 ‘ charged by the Commissary Court, but now transferred by
 ‘ Statute to the Court of Session;”

‘ Thirdly, “As to the Execution of the Duties formerly dis-
 ‘ charged by the Admiralty Court, now transferred by Statute
 ‘ to the Court of Session;” and,

‘ Fourthly, “As to the Execution of the Duties of the Court of
 ‘ Exchequer in *Scotland*.”

‘ And whereas the Commissioners so appointed have made Re-
 ‘ ports, which have been laid before Parliament; and it is expe-
 ‘ dient to carry into effect certain of the Recommendations
 ‘ contained in the said Reports, and to regulate the Arrangements
 ‘ of Judicial Business in the Court of Session, Court of Justiciary,
 ‘ Court of Exchequer, and Court of Commissioners for Teinds,
 ‘ and to increase the Salaries of certain of the Judges of the
 ‘ Court of Session performing the Judicial Duties of the said Su-
 ‘ preme Courts: Be it therefore enacted by the Queen’s most
 ‘ Excellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present
 ‘ Parliament assembled, and by the Authority of the same, That
 ‘ Judges of the Court of Session in *Scotland* shall be bound, in
 ‘ addition to the Duties at present discharged by them, to perform
 ‘ the Duties of Lords Commissioners of the Court of Justiciary and
 ‘ of Barons of the Court of Exchequer; and such Duties shall be
 ‘ distributed among the said Judges, with a view to Equality of
 ‘ Duty, as herein after provided.

Judges of Court
 of Session bound
 to perform Du-
 ties of Justiciary
 and Exchequer.

Court of Justi-
 ciary to consist
 of certain
 Judges.

II. And be it enacted, That the Court of Justiciary shall consist
 of the Lord Justice General, the Lord Justice Clerk, and Five
 Judges of the Court of Session, appointed or to be appointed Lords
 Commissioners of the Court of Justiciary, and the Quorum of the
 said Court shall remain as at present: Provided always, that it
 shall be lawful for Her Majesty, Her Heirs and Successors, to
 appoint, by Special Commission, any other of the Judges of the
 Court of Session to act as Judges of the Court of Justiciary on
 Circuits,

Circuits, and in the High Court of Justiciary in Causes which may be certified from Circuit Courts in which such Judges shall have acted.

III. And be it enacted, That after the present Lord Justice Clerk and the present Principal Clerk of Justiciary shall cease to hold their Offices the Appointment to the Offices of Principal and Depute Clerks of the Court of Justiciary, and also of the Circuit Clerks of the said Court, shall, as Vacancies occur, be vested in Her Majesty, Her Heirs and Successors; and all Persons to be hereafter appointed to any of the said Offices shall perform the Duties thereof in Person.

Clerks of Justiciary to be appointed by the Crown.

IV. And be it enacted, That the Duties of the Court of Exchequer in *Scotland*, and the whole Powers and Duties of the said Court, and of the Chief Baron and Barons thereof, in so far as the Exercise of such Powers and Duties is not otherwise provided for by Parliament, shall be and the same are hereby transferred to the Judges of the Court of Session (not being Lords Commissioners of the Court of Justiciary), Two of whom, as Judges, shall perform the same successively and in rotation for such equal Periods of Time as shall be fixed by the said whole Judges, and established by Act of Sederunt to that Effect: Provided always, that one of the said Judges may act in the Absence of the other.

Two Judges to be appointed to perform the Duties of the Exchequer.

V. And be it enacted, That it shall be competent to the Two Judges performing for the Time the Duties of the Court of Exchequer, in any Case which shall appear to them to be of Importance and Difficulty, to state the Questions of Law arising on such Case in Writing, and to require the Opinion of the other Judges liable to perform the said Duties of the Court of Exchequer thereupon; and such other Judges shall communicate their Opinion thereupon, either collectively or individually; and the Judgment to be pronounced in the Cause by the Two officiating Judges shall be in accordance with the Opinion of the Majority of all the Judges so consulting.

Judges officiating in Court of Exchequer in Cases of Importance to obtain the Opinion of the other Judges.

VI. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, where it shall appear expedient for the better Administration of Justice, to accept of the Resignation of any of the Judges in the Court of Session who shall have been or may be appointed to perform the Duties of Lords Commissioners of the Court of Justiciary, in so far as regards such Duties in the Court of Justiciary, and to appoint another of the Judges in the Court of Session to perform such Duties: Provided always, that the Judge whose Resignation is so accepted shall be forthwith appointed to perform some of the other Duties hereby assigned to Judges of the Court of Session.

Her Majesty may accept the Resignation of a Judge of Justiciary or Exchequer.

VII. And be it enacted, That the whole Business of the Bill Chamber in the Court of Session falling to be performed during the Spring and Autumn Vacations of the said Court, and during the *Christmas* Recess, shall be performed, in such Rotation as the Court of Session by Act of Sederunt may fix, by the remaining Six Judges of the Court of Session who shall not be Judges in the Court of Justiciary, with Power to all the Judges of the Court of Session, in case of Indisposition or of Absence of any of the said Six Judges, to act for him.

As to the Performance of the Business of the Bill Chamber.

Teind Court regulated.

VIII. And be it enacted, That the Judges of the Two Divisions of the Inner House of the Court of Session, along with the Lord Ordinary who shall be Judge in Teind Causes and Proceedings for the Time being, shall be Lords Commissioners for Teinds, and shall constitute the Court of Commissioners for Teinds, and any Five of the said Judges shall be a Quorum of the said Court; and it shall be competent to the said Court, in Causes which they may deem to be of Importance or Difficulty, to order that such Causes shall be heard before the whole Judges of the Court of Session, and to obtain their Opinions, in like Manner as is provided in ordinary Causes depending in either Division of the Court of Session.

Sittings of the Court of Session and of the Lords Ordinary regulated.

IX. And be it enacted, That the Sittings of the Court of Session shall be regulated as follows; the Sittings of the whole Court, both Inner and Outer Houses, for the Summer Session, excepting the Summer Session of this present Year, which shall meet and terminate as heretofore, shall commence on the first lawful Day (*Monday* excepted) which shall happen next after the Nineteenth Day of *May* yearly, and shall terminate on the Twentieth Day of *July* yearly, or on the *Saturday* immediately preceding the said Twentieth Day of *July* when the same shall happen to fall upon *Sunday* or *Monday*; the Sittings of the Two Divisions of the Inner House for the Winter Session shall commence and terminate as at present; and the Sittings of the Lords Ordinary in the Outer House for the Winter Session shall commence on the first lawful Day (*Monday* excepted) which shall happen next after the Thirty-first Day of *October* yearly, and shall terminate on the Twentieth Day of *March* yearly, or on the *Saturday* immediately preceding the said Twentieth Day of *March* when the same shall happen to fall upon a *Sunday* or *Monday*: Provided always, that at the Sitting of the Court of Sessions for Trial of Civil Causes by Jury, before and after the ordinary Sessions of the said Court, the Lords Ordinary shall assist, when required, in the said Jury Trials, and also at the Criminal Trials held before and after the ordinary Sessions of the Court where they are Judges of Justiciary.

Court of Session to have Power to extend the Sittings.

X. And be it enacted, That it shall be lawful for the said Court of Session and they are hereby authorized and empowered, if there shall be Arrears of Business in the said Court, or as the State of Business otherwise may require, from Time to Time to direct, by Act or Acts of Sederunt, that the Winter and Summer Sessions of the Court of Session or either of them shall be extended, and to specify the Time or Times of such Extension, and the precise Duration thereof, and to direct that such Extension shall apply either to the whole Court of Session or to either of the Divisions thereof, or to all or any of the Lords Ordinary, and to make all Regulations which may be required in consequence of any such Extension, or connected therewith: Provided always, that such Extension shall not on the whole exceed the usual Period of the Sittings of the said Court previous to the passing of this Act by more than the Space of Two Calendar Months in the course of the Year, and that it shall thereafter in like Manner be lawful for the said Court to alter and limit the said Period of Extension from Time to Time as Occasion may require; and provided also, that Sederunt Days shall be reckoned from and regulated by the meeting

meeting of the Inner Houses of the Court, and not by the Sittings of the Lords Ordinary.

XI. 'And whereas by the said first-recited Act His Majesty, His Heirs and Successors, with the Consent of His Privy Council, was empowered to order and direct that the Duration of the Sittings of the Court of Session and Lords Ordinary should be extended to any Space not exceeding One Month, and to alter and vary such Extension in manner therein provided;' be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, with the Consent of Her Privy Council, from Time to Time to order and direct the Extension of the Duration of the Sittings of the said Court, or either of the Divisions thereof, or of all or any of the Lords Ordinary, and to alter and limit such Extension to such and the like Duration and in such and the like Manner as the Judges of the said Court are herein-before authorized to alter the Sittings thereof.

Her Majesty to have Power to extend the Sittings.

XII. 'And whereas great Reductions have recently been made in the Judicial Establishments of *Scotland*, by the Transference of the Jurisdiction and Duties of the Court of Exchequer, the Jury Court, the Admiralty Court, and the Commissary Court, to the Judges of the Court of Session, and by the Abolition of the Offices of Two of the Judges in that Court, whereby the Duties formerly performed by Thirteen Judges, whose Offices are now abolished, have been transferred to the remaining Judges of the Court of Session, and a Saving in the Expence of the Judicial Establishments of *Scotland* has been effected to the Amount of more than Fifty thousand Pounds *per Annum*: And whereas the Judicial Business and Duties of the Supreme Courts are by this Act distributed among the said Judges, and therefore the Salaries of the ordinary Judges ought also to be equalized and in some respects increased: Be it enacted, That the annual Salary of the Lord President of the Court of Session shall be Four thousand eight hundred Pounds, and the annual Salary of the Lord Justice Clerk shall be Four thousand five hundred Pounds, and the annual Salaries of all the other Judges of the Court of Session performing the Duties of the Courts of Session, Justiciary, and Exchequer, and of the Bill Chamber, in manner herein provided, shall be of equal Amount, and shall be Three thousand Pounds; and the said Salaries shall be issued, paid, and applied in manner provided by the before-recited Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third: Provided always, that no retiring Allowance or Increase of Salary shall be received by any Judge under this Act, unless under Deduction of any retiring Allowance or Salary which such Judge now enjoys or may hereafter enjoy on account of any Judicial Office; but such Deduction shall be made to the Effect only of preventing any of the present Judges from receiving larger Allowances or Salaries than he now receives.

Salaries of the Judges regulated, and certain Judges Salaries increased.

Proviso as to retiring Allowance.

XIII. And be it enacted, That from and after the passing of this Act the Court of Session shall be and is hereby empowered from Time to Time to make such Regulations, by Act or Acts of Sederunt, as the said Court may deem meet, for carrying into effect the Purposes of this Act, as also to make Regulations for allowing Summonses to be called at either of the Box Days in

Court of Session to make Regulations to carry this Act into effect.

the Autumn Vacation, and making Defences returnable at the Second Box Day, or on the meeting of the Court in *November*; and the said Court may meet for the above Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers herein given.

Laws at variance with this Act repealed.

XIV. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they may be inconsistent or at variance with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects whatsoever.

Commencement of this Act.

XV. And be it enacted, That the Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the passing thereof.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. XXXVII.

An Act to amend, and extend until the First Day of *January* One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

[29th *July* 1839.]

7 W. 4. &
1 Vict. c. 80.

‘ WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury*, it was enacted, that Bills of Exchange payable at or within Twelve Months should not be liable, for a limited Time, to the Laws for the Prevention of Usury: And whereas the Duration of the said Act was limited to the First Day of *January* One thousand eight hundred and forty; and it is expedient that the Provisions of the said Act should be extended:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Bill of Exchange or Promissory Note made payable at or within Twelve Months after the Date thereof, or not having more than Twelve Months to run, nor any Contract for the Loan or Forbearance of Money, above the Sum of Ten Pounds Sterling, shall, by reason of any Interest taken thereon or secured thereby, or any Agreement to pay or receive or allow Interest in discounting, negotiating, or transferring any such Bill of Exchange or Promissory Note, be void, nor shall the Liability of any Party to any such Bill of Exchange or Promissory Note, nor the Liability of any Person borrowing any Sum of Money as aforesaid, be affected, by reason of any Statute or Law in force for the Prevention of Usury; nor shall any Person or Persons or Body Corporate drawing,

Bills of Exchange and Contracts for Loans or Forbearance of Money above 10*l.* not to be affected by the Usury Laws.

drawing, accepting, endorsing or signing any such Bill or Note; or lending or advancing or forbearing any Money as aforesaid, or taking more than the present Rate of legal Interest, in *Great Britain* and *Ireland* respectively, for the Loan or Forbearance of Money as aforesaid, be subject to any Penalties under any Statute or Law relating to Usury, or any other Penalty or Forfeiture; any thing in any Law or Statute relating to Usury, or any other Law whatsoever in force in any Part of the United Kingdom, to the contrary notwithstanding: Provided always, that nothing herein contained shall extend to the Loan or Forbearance of any Money upon Security of any Lands, Tenements, or Hereditaments, or any Estate or Interest therein.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to enable any Person or Persons to claim, in any Court of Law or Equity, more than Five *per Cent.* Interest on any Account or on any Contract or Engagement, notwithstanding they may be relieved from the Penalties against Usury, unless it shall appear to the Court that any different Rate of Interest was agreed to between the Parties.

Five per Cent. to be considered the legal Rate of Interest, except, &c.

III. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to repeal or affect any Statute relating to Pawnbrokers, but that all Laws touching and concerning Pawnbrokers shall remain in full Force and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed.

Not to affect the Law as to Pawnbrokers.

IV. And be it enacted, That this Act shall continue in force until the First Day of *January* One thousand eight hundred and forty-two.

Continuance of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

C A P. XXXVIII.

An Act to amend the Jurisdiction for the Trial of Election Petitions. [17th August 1839.]

‘ WHEREAS it is expedient to amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also so much of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of the Voters to which either of the Parties purposes and intends to object, or as provides that no Witness shall be called or examined to any thing not specified in such Lists, shall, as to any Election Petition presented after the End of this present Session

Suspension of 9 G. 4. c. 22. and Part of 42 G. 3. c. 106.

the Autumn Vacation, and making Defences returnable at the Second Box Day, or on the meeting of the Court in *November*; and the said Court may meet for the above Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers herein given.

Laws at variance with this Act repealed.

XIV. And be it enacted, That all Laws, Statutes, and Usages shall be and the same are hereby repealed, in so far as they may be inconsistent or at variance with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects whatsoever.

Commencement of this Act.

XV. And be it enacted, That the Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the passing thereof.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. XXXVII.

An Act to amend, and extend until the First Day of *January* One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

[29th July 1839.]

7 W. 4. &
1 Vict. c. 80.

Bills of Exchange and Contracts for Loans or Forbearance of Money above 10*l.* not to be affected by the Usury Laws.

‘ WHEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury*, it was enacted, that Bills of Exchange payable at or within Twelve Months should not be liable, for a limited Time, to the Laws for the Prevention of Usury: And whereas the Duration of the said Act was limited to the First Day of *January* One thousand eight hundred and forty; and it is expedient that the Provisions of the said Act should be extended:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Bill of Exchange or Promissory Note made payable at or within Twelve Months after the Date thereof, or not having more than Twelve Months to run, nor any Contract for the Loan or Forbearance of Money, above the Sum of Ten Pounds Sterling, shall, by reason of any Interest taken thereon or secured thereby, or any Agreement to pay or receive or allow Interest in discounting, negotiating, or transferring any such Bill of Exchange or Promissory Note, be void, nor shall the Liability of any Party to any such Bill of Exchange or Promissory Note, nor the Liability of any Person borrowing any Sum of Money as aforesaid, be affected, by reason of any Statute or Law in force for the Prevention of Usury; nor shall any Person or Persons or Body Corporate drawing,

drawing, accepting, endorsing or signing any such Bill or Note; or lending or advancing or forbearing any Money as aforesaid, or taking more than the present Rate of legal Interest, in *Great Britain* and *Ireland* respectively, for the Loan or Forbearance of Money as aforesaid, be subject to any Penalties under any Statute or Law relating to Usury, or any other Penalty or Forfeiture; any thing in any Law or Statute relating to Usury, or any other Law whatsoever in force in any Part of the United Kingdom, to the contrary notwithstanding: Provided always, that nothing herein contained shall extend to the Loan or Forbearance of any Money upon Security of any Lands, Tenements, or Hereditaments, or any Estate or Interest therein.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to enable any Person or Persons to claim, in any Court of Law or Equity, more than *Five per Cent.* Interest on any Account or on any Contract or Engagement, notwithstanding they may be relieved from the Penalties against Usury, unless it shall appear to the Court that any different Rate of Interest was agreed to between the Parties.

Five per Cent. to be considered the legal Rate of Interest, except, &c.

III. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to repeal or affect any Statute relating to Pawnbrokers, but that all Laws touching and concerning Pawnbrokers shall remain in full Force and Effect, to all Intents and Purposes whatsoever, as if this Act had not been passed.

Not to affect the Law as to Pawnbrokers.

IV. And be it enacted, That this Act shall continue in force until the First Day of *January* One thousand eight hundred and forty-two.

Continuance of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

C A P. XXXVIII.

An Act to amend the Jurisdiction for the Trial of Election Petitions. [17th *August* 1839.]

‘**W**HEREAS it is expedient to amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also so much of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of the Voters to which either of the Parties purposes and intends to object, or as provides that no Witness shall be called or examined to any thing not specified in such Lists, shall, as to any Election Petition presented after the End of this present Session

Suspension of 9 G. 4. c. 22. and Part of 42 G. 3. c. 106.

of Parliament, be suspended, and be of no Force and Effect until the End of the Second Session of the First Parliament which may be called after the Dissolution of this present Parliament, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act or Part of any Act repealed by the first-recited Act.

What shall be deemed Election Petitions.

II. And be it enacted, That every Petition which shall be presented to the House of Commons, within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or, if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

Recognizances to be entered into by Petitioners.

III. And be it enacted, That before any Election Petition shall be presented to the House the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances, for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner hereinafter provided shall adjudge to be payable by the Person or Persons subscribing the said Petition, and also for the Payment of all Costs and Expences which, in case such Person or Persons shall fail to appear before the General Committee at such Time or Times as shall be fixed for choosing a Committee to try such Petition, or in case such Petition shall be withdrawn, as herein-after allowed, shall become due from the Person or Persons subscribing such Petition to any Witness summoned in his or their Behalf, or to any Party who shall appear in opposition to such Petition.

Sureties to make Affidavit of Sufficiency, and to be described.

IV. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person shall testify upon Oath in Writing, to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance shall be taken, that he is seised or possessed of Real or Personal Estate, or both, above what will satisfy his Debts, of the clear Value of the Sum for which he shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned

tioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

V. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances, and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Examiner of Recognizances to be appointed.

VI. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence, and the Person so appointed shall, while performing such Duties, have all the Powers and be subject to all the Provisions herein contained concerning the Examiner of Recognizances.

Provision for temporary Disability of Examiner.

VII. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances, or One of Her Majesty's Justices of the Peace, and the said Examiner and also every Justice of the Peace is hereby empowered to take the same; and every such Recognizance and Affidavit which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

How Recognizances are to be entered into.

VIII. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the joint Account of himself and of the Examiner of Recognizances as Trustees for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed for the Purposes of this Act to be paid into the Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

Option of paying Money into the Bank instead of finding Security.

IX. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England* the said Trustees shall be bound, in the first place, to satisfy out of the said Money all the Costs and Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the separate Account of the Trustee by whom the Petition was signed.

Declaration of Trust.

X. And be it enacted, That in case of the Death, Resignation, Dismissal, or legal Disability of any Examiner of Recognizances while such Trustee, it shall be lawful for the Speaker to certify

Provision for the Change of Trustees.

the

the Fact under his Hand, and thereupon to nominate under his Hand another Person to be Trustee in his Room; and the Person so nominated shall, as to the said Trust Money, come in the Room of the Examiner, and shall be qualified to act and shall act in all respects touching the said Trust Money as if he had been one of the original Trustees.

No Petition to be received unless endorsed by Examiner of Recognizances.

XI. And be it enacted, That no Election Petition shall be received unless at the Time it is presented to the House it shall be endorsed by a Certificate under the Hand of the Examiner of Recognizances that the Recognizance herein-before required has been entered into and received by him with the Affidavits thereunto annexed, and if the Recognizance shall not have been taken for the whole Amount that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

Names of Sureties to be kept by the Examiner of Recognizances.

XII. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits and Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

Sureties may be objected to.

XIII. And be it enacted, That it shall be lawful for any Sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties or any of them who shall have entered into such Recognizance on the Ground of Insufficiency, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not acknowledged the same; provided that the Ground of Objection shall be stated in Writing, under the Hand of the objecting Party or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days after the Presentation of the Petition, if the Surety objected to reside in *England*, or within Fourteen Days after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*.

Notice of Objections to be published in the Office, and Copies may be taken.

XIV. And be it enacted, That as soon as any such Statement of Objection shall be received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections not less than Three and not more than Five Days from the Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their Agents, shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Insufficiency of the Surety or Sureties objected to, on the Grounds stated in the Notice of Objection, but not on any other Ground, and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be sworn before any Master of the High Court of Chancery or Justice of the Peace, each of whom is hereby authorized

rized to take and certify such Affidavit, and the Examiner of Recognizances shall have Power, if he shall think fit, to adjourn the said Inquiry from Day to Day, until he shall decide on the Validity of such Objection, and, if he shall think fit, to award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expences of prosecuting or opposing Election Petitions, and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

XVI. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection, before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the joint Account of himself and of the Examiner of Recognizances, the Sum for which the deceased Surety was bound, and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Statement of such Objection the Sureties shall be deemed unobjectionable, if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

In case of Death of a Surety, the Money may be paid into the Bank.

XVII. And be it enacted, That as soon as the Time for stating any Objection to the Sureties shall have elapsed after the Presentation of any Petition, during which the Examiner of Recognizances shall have received no Statement of Objection to the Sureties or any of them, and also whenever he shall have received and decided upon a Statement of Objection, he shall report to the Speaker whether or not the Sureties to such Petition are objectionable, and shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be so reported upon, and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

Examiner of Recognizances to report whether or not Sureties are objectionable.

XVIII. And be it enacted, That it shall be competent to the Petitioner or Petitioners at any Time after the Presentation of the Petition to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the Sitting Member or his Agent, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the Sitting Member, to be taxed as herein-after provided.

How Petitions may be withdrawn.

XIX. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any Sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a Double Return whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*; or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant;

Proceedings when the Seat becomes vacant, or the Sitting Member declines to defend his Return.

vacant; or if the House of Commons shall be informed by a Declaration in Writing, subscribed by any such Member, and delivered at the Table of the House within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return; in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted by Order of the Speaker in One of the next Two *London Gazettes*.

Notice to be published, and Consideration of the Petition discharged.

Voters may become a Party to oppose the Petition.

XX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Thirty Days after the Day on which any Notice shall have been inserted in the Gazette to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election Petition, and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the Sitting Member if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition, and shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be treated as an Election Petition.

In what Case Members shall not be admitted as Parties.

XXI. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons or voting on any Question until such Petition shall have been decided upon.

At the Beginning of every Session the Speaker to appoint a General Committee.

XXII. And be it enacted, That at the Beginning of every Session of Parliament, on the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, the Speaker of the House of Commons shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee which shall be called the General Committee of Elections; and every such Warrant shall be laid on the Table of the House, and if not disapproved by the House in the Course of the Three next Days on which the House shall meet for the Despatch of Business shall take effect as an Appointment of such General Committee.

If First Appointment disapproved new Appointment to be made.

XXIII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet after such Disapproval, lay upon

upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general, in respect of the Constitution of the whole Committee, or special, in respect of any Member or Members named in the Warrant.

Disapproval may be general or special.

XXV. And be it enacted, That the Speaker may if he shall think fit but shall not be bound to name, in the Second or any subsequent Warrant, all or any of the Members named in any former Warrant, whose Appointment shall not have been specially disapproved by the House as aforesaid.

Members not disapproved may be named again.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled, by continued Illness, from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

For what Time the Appointment shall be.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House shall meet after such Vacancy shall be known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy shall be supplied as herein-after provided.

Cases of Vacancy to be made known, &c.

XXVIII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

Cases in which the General Committee shall be dissolved.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker, by Warrant under his Hand, and laid upon the Table of the House on or before the Third Day on which the House shall meet after the Dissolution of the Committee, or Notification of the Vacancy, as the Case may be, and the Warrant shall be subject to the Disapproval of the House, in the like Manner as is herein-before provided in the Case of the First Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee the Speaker may re-appoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

How Vacancies shall be supplied and Re-appointments made

XXX. And be it enacted, That all Election Petitions which shall be received by the House, and also all Petitions herein-before directed to be treated as Election Petitions, shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try

Election Petitions to be referred to the General Committee.

such

such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Sureties to any Election Petition, and also every Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, which shall be inserted by Order of the Speaker in the Gazette as hereinbefore provided; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee of Elections shall suspend their Proceedings in the Matter of any Petition referred to by any Notice inserted in the Gazette as aforesaid, and shall not do any thing therein until after Thirty Days after the Day on which such Notice shall have been inserted in the Gazette, unless the Petition of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List, at the End of such Suspension of Proceedings.

House to fix the Time and Place of First Meeting of Committee.
General Com-

XXXI. And be it enacted, That the Speaker shall appoint the Time and Place of the First Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member appointed or re-appointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk or Clerk Assistant, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

Members necessary to enable the Committee to act.

XXXII. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the said General Committee shall agree in the Appointment.

Proceedings of Committee.

XXXIII. And be it enacted, That, subject to the Provisions of this Act, the said Committee shall make Regulations for the Order and Manner of conducting Business to be transacted by and before them.

Clerk to keep Minutes of Proceedings.

XXXIV. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to

Time directed by the Committee; and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

XXXV. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

When the Speaker may adjourn any Business before the General Committee.

XXXVI. And be it enacted, That at the Beginning of every Session of Parliament the Clerk of the House of Commons shall form the Names of all the Members into an alphabetical List, which shall be called over by the Speaker upon the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament.

An alphabetical List of Names of all the Members to be made.

XXXVII. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees, if at the calling over of the said List, or upon his afterwards becoming entitled to make such Claim, he will claim to be excused, by declaring in his Place, or in Writing under his Hand, to be read by some other Member in his Place, and by him laid upon the Table, that he is more than Sixty Years old; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

Members wholly excused from serving.

XXXVIII. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place shall offer any other Excuse, either at the calling over the said List or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who within Seven Days after such Committee shall have made its final Report to the House, shall notify to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House shall at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who, on account of Inability or Accident, shall have been excused from attending the same throughout.

Members temporarily excused from serving.

XXXIX. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such

Members temporarily disqualified from serving.

such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

A corrected List, distinguishing the excused or disqualified Members, to be printed, &c. with Votes.

XL. And be it enacted, That the Clerk shall strike out of the alphabetical List the Name of every Member who shall have claimed to be wholly excused from serving on Election Committees as aforesaid, and the Clerk shall also distinguish in such List the Name of every Member who shall be for a Time excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof, and the corrected alphabetical List shall be printed and distributed with the Votes of the House, and the Names of all the Members so struck out shall be also printed and distributed with the Votes.

List may be further corrected during One Week.

XLI. And be it enacted, That during Seven Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it shall appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

Selection of Members qualified and willing to serve as Chairmen of Election Committees.

XLII. And be it enacted, That the List, so finally corrected, shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they shall think duly qualified, to serve as Chairmen of Election Committees; and as soon as all the Members selected shall have signified to the General Committee their Willingness so to serve they shall be formed into a separate Panel, to be called "The Chairmen's Panel," which shall be reported to the House; and while the Name of any Member shall be upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee otherwise than as Chairman: Provided always, that every Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by the Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel.

List to be divided into Five Panels.

XLIII. And be it enacted, That after the Chairmen's Panel shall have been so as aforesaid selected the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them shall seem most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn, and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLIV. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim as aforesaid to be wholly excused from

from serving on Election Committees, and by inserting in One of the Panels to be chosen by the General Committee at their Discretion the Name of every new Member of the House who shall not be entitled and claim as aforesaid to be wholly excused; and shall also from Time to Time distinguish in the Manner aforesaid in the said Panels the Names of those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

XLV. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be by Leave of the House discharged from continuing upon the Chairmen's Panel, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLVI. And be it enacted, That it shall be lawful for the Members who are upon the Chairmen's Panel from Time to Time to make such Regulations as they may find convenient for securing the Appointment or Selection of Chairmen of Election Committees, and for distributing the Duties of Chairman among all of them.

Members upon Chairmen's Panel to make Regulations.

XLVII. And be it enacted, That the General Committee of Elections shall from Time to Time determine how many Committees shall be chosen in each Week for trying the Election Petitions which then stand referred to them in which the Sureties shall have been reported unobjectionable, and the Day or Days on which they will meet for choosing such Committees, which they shall choose in the same Order in which the Petitions stand in the List aforesaid, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed; and Notice in Writing of the Day on which the Committee will be chosen to try any Election Petition shall be given in Writing by the General Committee to all the Parties herein-after mentioned, such Time not being sooner than Three Weeks after the Day on which such Notice shall be given.

General Committee to give Three Weeks Notice when any Committee will be chosen.

XLVIII. And be it enacted, That the last-mentioned Notice shall be given to all the Parties petitioning, and to the Sitting Member or Members, and to any Parties who may have petitioned to be permitted to defend the Election or Return, and whose Petition shall have been referred to the General Committee, and where no Return has been made, or the special Matter of the Return or the Conduct of the Returning Officer is complained of, to the Returning Officer or Officers; and with every such Notice shall be sent an Order to the Parties to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time

Parties to whom Notice shall be given.

appointed for choosing the Select Committee; and Notice shall be published with the Votes of the House of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions.

Provision for the Case of Voters afterwards admitted as Parties.

XLIX. Provided always, and be it enacted, That if any Parties shall be admitted to defend the Election or Return, after Notice given of the Day on which the Committee will be chosen to try the Petition relating to such Election or Return, then, if such Parties shall have been admitted to oppose the Petition together with the Member elected or returned, an Order shall be sent to such Parties to attend the General Committee by themselves, their Counsel or Agents, at the Time and Place named in the Notice so first given; but if any Parties shall have been admitted to oppose the Petition in the Room of the Member elected or returned, the first Notice shall be taken to be annulled, and a new Notice shall be given to the Petitioners, and to all the Parties then opposing the Petition, and to the Returning Officer (in case he shall be entitled to Notice), Three Weeks at least before the Day on which the Committee shall be chosen.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

L. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Tenth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return, and the said Clerk shall keep the Lists so delivered to him in his Office, open to the Inspection of all Parties concerned.

Select Committee to be chosen.

LI. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in Order of Service, exclusive of the Chairmen's Panel, Six Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee, to try such Petition for any of the following Causes; that is to say, by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to the Sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree, according to the Canon Law; and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee shall be appointed to be chosen.

In case of Disagreement, the General Committee to adjourn.

LII. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on that Day, to the following Day, and the Parties shall be directed to attend on the following Day, and so from Day to Day

(with the Exception of *Sunday, Good Friday, and Christmas Day*) until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try any Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, or in which the Proceedings shall not be then suspended under the Provisions herein-before contained, except in the Case of choosing a Committee to supply the Place of a discharged Committee, as herein-after provided, which substituted Committee shall be first chosen on the Day on which the General Committee shall meet for that Purpose.

Committees to be chosen for Petitions according to their Order on the List.

LIII. And be it enacted, That as soon as the General Committee of Elections shall have chosen a Committee to try any such Petition the Parties in attendance shall be called in, and the Names of the Committee chosen shall be read over to them.

When Committee chosen the Parties to be called in.

LIV. And be it enacted, That after hearing the Names of the Committee chosen the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be adjourned as aforesaid, and after any such Adjournment the General Committee shall not transact any more Business on that Day except with regard to those Petitions for trying which Committees shall have been previously chosen.

General Committee to proceed in Order with all Petitions appointed for that Day.

LV. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections then after such other Parties shall have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and Sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, as being then disqualified or excused for any of the Reasons aforesaid from serving on the Committee for the Trial of that Election Petition, but not for any other Reason whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another Committee from the same Panel to try that Petition, and so as often as the Case may happen; and in the Second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members first chosen by them, except those who shall have been objected to, and who shall have been allowed by the General Committee to be disqualified or excused, and no Party shall be allowed to object to any Member who may be included in the Second or any following

Parties may object to disqualified Members.

If General Committee allow the Disqualification a new Committee to be chosen.

Committee who was not objected to when included in the Committee first chosen to try that Petition.

Notice to be sent to every Member chosen.

LVI. And be it enacted, That when Six Members shall have been chosen, none of whom shall have been objected to, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen, and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving which are herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day.

If any Member chosen prove Disqualification, another Committee to be chosen.

LVII. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any Member shall then and there prove to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he shall have been so chosen, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Hour after the Time mentioned in the Notice no Member shall so appear, or if any Member so appearing shall not prove his Disqualification or Excuse to the Satisfaction of at least Four Members then present of the General Committee, a Chairman shall be appointed to the Six Members so chosen to be of the Select Committee in the Manner herein-after mentioned.

Members on Chairmen's Panel to appoint Chairman to Select Committees.

LVIII. And be it enacted, That when Six Members of the Committee are finally chosen as aforesaid the Members who are upon the Chairmen's Panel shall notify to the Members of the General Committee the Name of the Member who has been appointed or selected by them as the Chairman of such Election Committee, and the General Committee shall add his Name to the Names of the Six Members chosen by them as aforesaid, and the Select Committee shall then be taken to be appointed: Provided always, that no Member shall serve as Chairman of any Election Committee who would be disqualified from serving on such Committee if not upon the Chairmen's Panel.

Select Committee to be reported to the House.

LIX. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which shall relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party; and the Members chosen to be of the said Select Committee shall not depart the House till the Time for the meeting of such Select Committee shall be fixed.

Members of Select Committee to be sworn.

LX. And be it enacted, That the Seven Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk or Clerk Assistant, well and truly to try the Matter of the Petitions referred to them, and a true Judgment

Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

LXI. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after the meeting of the House on the Day appointed for swearing the said Committee, or if, after attending, any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned, as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant-at-Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

Members not present within One Hour after the meeting of the House to be taken into Custody.

LXII. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the Meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House, and all the Members of the said Committee shall be bound to attend in their Places for the Purpose of being sworn at the next Meeting of the House in like Manner as on the Day first appointed for that Purpose.

If such Member not present within Three Hours, the Proceedings to be adjourned.

LXIII. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn within One Hour after the meeting of the House, or if sufficient Cause shall be shown to the House before its rising, on the Day first appointed for swearing the said Committee, why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following Day (*Sundays, Christmas Day, and Good Friday* excepted), and shall proceed to choose a new Committee from the same Panel from which the discharged Committee was chosen in the Manner herein-before provided.

All the Members not attending after Adjournment, the Committee to be discharged.

LXIV. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of the Report of the Appointment of the said Select Committee, unless a *Sunday, Christmas Day, or Good Friday* shall intervene; and the Place of their meeting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

Petitions and Lists to be referred to the Committee, &c.

LXV. And be it enacted, That in case there shall ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the

Casting Vote in the Election of a Chairman.

the Committee shall elect one of themselves to be Chairman, and if in that Election there shall be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

Committees not to adjourn for more than Twenty-four Hours, without Leave, &c.

LXVI. And be it enacted, That every such Select Committee shall sit from Day to Day (*Sunday, Christmas Day, and Good Friday* only excepted), and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the Meeting of the House.

Committee-man not to absent himself.

LXVII. And be it enacted, That no Member appointed as aforesaid to be of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown, and verified upon Oath; and in every such Case (the Member to whom such Leave shall be granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted nor Excuse allowed are met; and in case all such Members shall not meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

Committee not to sit until all be met.

LXVIII. And be it enacted, That every Member whose Absence without Leave or Excuse shall be so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant-at-Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured at the Discretion of the House, unless it shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the said Select Committee.

On Failure of meeting within One Hour Adjournment to be made.

Absentees to be directed to attend the House.

If any Committee is reduced to less than Six by the Non-attendance of its Members it shall be dissolved, except as herein mentioned.

LXIX. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Six, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in either of the Cases hereinafter provided), and another shall be appointed to try and determine the Matter of such Petition in manner aforesaid; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall

shall have met for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, it shall be lawful for them to proceed to Business, if a Number of Members not less than Five be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall by Death or otherwise be unavoidably reduced to less than Five, and shall so continue for the Space of Three sitting Days; and whenever any such Committee shall in like Manner have met for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland* under the Provisions of the said Act of the Forty-second Year of the Reign of King *George* the Third, it shall be lawful for them to proceed to Business, if a Number of Members not less than Four be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall by Death or otherwise be unavoidably reduced to less than Four, and shall so continue for the Space of Three sitting Days: Provided also, that, with the Consent in Writing of all Parties before the Committee it shall be lawful for the Committee to proceed to Business notwithstanding any unavoidable Reduction of their Number, and without Reference to the Number of Days during which they shall have met for Business before such unavoidable Reduction of their Number, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members.

LXX. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman, faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

Committees to be attended by a Short-hand Writer.

LXXI. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee by their Direction may, at any Time during the Course of their Proceedings, report the same to the House, for the Interposition of the Authority or Censure of the House, as the Case may require, and may, by a Warrant under his Hand directed to the Serjeant-at-Arms attending the House of Commons, or to his Deputy or Deputies, commit such

Committee empowered to send for and examine Persons, Papers, and Records.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant-at-Arms.

Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours if the House shall then be sitting, and if not then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Giving false Evidence to be Perjury.

LXXII. And be it enacted, That every Person who shall wilfully give any false Evidence before any Committee or Examiner of Recognizances under the Provisions of this Act, or who shall wilfully swear falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Evidence to be confined to Objections particularized in the Lists.

LXXIII. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said Committee, against the Validity of any Vote not included in one of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than one of the Heads specified against him in such List.

Committee to decide, and to report their Decision to the House.

LXXIV. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices whether the Petitioners or the Sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committees may report their Determination on other Matters to the House.

LXXV. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that they shall inform the House of such Determination; and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

When Committee is deliberating the Room to be cleared, &c.

LXXVI. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

Majority to decide.

LXXVII. And be it enacted, That all Questions before the Committee shall be decided by a Majority of Voices, and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

Names of Members voting for or against any Resolution to

LXXVIII. And be it enacted, That whenever the Select Committee shall be divided upon any Question the Names of the Members voting in the Affirmative and in the Negative shall be entered

entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

be reported to the House.

LXXIX. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try the Petition, the General Committee of Elections shall, within Two Days after their First Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition as aforesaid; and if the Parliament shall be prorogued, after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sundays, Good Friday, and Christmas Day* always excepted); and all former Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Committees not dissolved by the Prorogation of Parliament, &c.

LXXX. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover, from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when incurred by Petitioners, &c.

LXXXI. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs when incurred by Parties opposing Petitions.

LXXXII. And

Costs when incurred where no Party appears to oppose a Petition.

LXXXII. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the Sitting Member or Sitting Members (if any) whose Election or Return shall be complained of in such Petition (such Sitting Member or Sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs upon frivolous Objections.

LXXXIII. And be it enacted, That if any Ground of Objection shall be stated against any Voter in any Lists of Votes intended to be objected to as herein-before provided, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

Costs upon unfounded Allegations.

LXXXIV. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs how to be ascertained.

LXXXV. And be it enacted, That the Costs and Expences of prosecuting or opposing, or preparing to oppose, any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, Witness, or Officer, for ascertaining such Costs and Expences, within Three Calendar Months after the Determination of the Merits of such Petition,

Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition, as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs and Expences allowed in such Report, with the Name of the Party liable to pay the same; and such Certificate, so signed by the Speaker, shall be conclusive Evidence as well of the Amount of such Demands as of the Title of the several Parties to recover the same in all Cases and for all Purposes whatsoever; and the Witness or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

LXXXVI. Provided always, and be it enacted, That the Examiner of Recognizances shall not include in any such taxed Costs any Costs which may have been occasioned by Delay in the Appointment of the Select Committee, after the Examiner of Recognizances shall have reported to the Speaker whether or not the Sureties are unobjectionable.

Costs by Delay in appointing Committee to be taxed off.

LXXXVII. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Non-payment thereof, and to administer the Oath for taking such Affidavit.

Persons appointed to tax Costs empowered to take Affidavits.

LXXXVIII. And be it enacted, That it shall be lawful for the Party or Parties entitled to such taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and, in case of Nonpayment thereof, to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration together with the said Certificate and Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate, the Handwriting of the Speaker thereunto being duly verified, shall not be called in question in any Court upon the Allegation of any Matter or Thing anterior to the Date thereof.

Costs how to be recovered.

LXXXIX. And

Persons paying Costs may recover a Proportion from other Persons liable thereto.

LXXXIX. And be it enacted, That in every Case it shall be lawful for any Person or Persons from whom the Amount of such Costs and Expences shall have been so recovered to recover in like Manner from the other Persons, or any of them, (if such there shall be,) who are liable to the Payment of the same Costs, Expences, and Fees, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Recognizances when to be estreated, &c.

XC. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf before the Examiner of Recognizances, or any Committee under the Provisions of this Act, the Sums so certified as aforesaid by the Speaker to be due to such Witness, or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Party who shall appear in opposition to the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party for their Costs or Expences, and that such Neglect or Refusal shall, within One Year after the granting of such Certificate, be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made default therein, and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or One of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of One of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

Returning Officer may be sued for neglecting to return any Person duly elected.

XCI. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return, at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* or of the Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

XCII. And

XCII. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament, and shall continue in force until the End of the Second Session of the First Parliament which shall be called after the End of this present Parliament. Continuance of Act.

XCIII. And be it enacted, That if at the Close of the present Session of Parliament there shall be any Election Petition or Petitions before the House the Order for taking which into consideration shall not have been discharged, and for trying which no Committee shall have been appointed, such Election Petition or Petitions shall be tried by a Committee to be chosen under the Provisions of this Act, provided the Recognizances required by the said recited Act passed in the Ninth Year of the Reign of King *George* the Fourth shall have been duly entered into; and such Petitions shall be referred to the General Committee of Elections before any Petition presented in the next Session, and in the Order in which they were presented to the House, and shall be treated as Petitions on which the Examiner of Recognizances has reported that the Sureties are unobjectionable, and the Recognizances entered into on the Part of the Petitioners shall be taken to remain in force for securing Payment of all Costs and Expences which the Petitioners shall be liable to pay under the Provisions of this Act. Election Petitions remaining at the Close of the present Session, the Order for taking which into Consideration has not been discharged, to be tried by Committee appointed under this Act.

XCIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

FORM OF RECOGNIZANCE.

BE it remembered, That on the Day of
 in the Year of our Lord before me, *A.B.* (Examiner
 of Recognizances for the House of Commons), [*or* One of Her
 Majesty's Justices of the Peace for the County of],
 came *C.D.*, *E.F.*, *G.H.*, *J.K.*, and *L.M.*, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the following Sums; (that is to say,) the said *C.D.* the Sum of One thousand Pounds, and the said *E.F.* the Sum of Pounds, the said
 Pounds, (the said *G.H.* the Sum of Pounds, and the said *L.M.* the Sum
J.K. the Sum of Pounds,) to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if the said *C.D.* shall well and truly pay all Costs and Expences which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C.D.* (complaining of an undue Election or Return for the [*here state the Place*] [*or* (complaining that no Return has been made for the said within the Time limited by Act of Parliament), *or* (complaining that the Return made for the said is not a Return of a Member or Members

Members according to the Requisition of the Writ)] shall adjudge to be payable by the said *C.D.*, and shall also well and truly pay the Costs and Expences due and payable by the said *C.D.* to any Witness summoned in his Behalf, or to the Party who shall appear in opposition to the said Petition in case the said *C.D.* shall fail to appear before the General Committee of Elections at such Time or Times as shall be fixed for choosing a Committee to try such Petition, or in case the said *C.D.* shall be allowed to withdraw his said Petition, then this Recognizance to be void, otherwise to be of full Force and Effect.

C A P. XXXIX.

An Act to amend an Act passed in the last Session of Parliament, for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in *England*.
[17th August 1839.]

1 & 2 Vict. c. 110.

‘ **W**HEREAS by an Act passed in the last Session of Parliament, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England*, it was amongst other things enacted, that the Sum of Three Shillings and no more shall be paid to any Printer or Proprietor of a Newspaper for the Insertion of any Advertisement by that Act directed to be inserted in any Newspaper, and all Printers and Proprietors of Newspapers were thereby required to insert the same, on Payment of the said Sum of Three Shillings for the Insertion thereof, in such Form as the Court for the Relief of Insolvent Debtors, or any Commissioner thereof, should from Time to Time direct: And whereas it is just and expedient that the said Act should be altered and amended as herein-after mentioned: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed; and that from and after the passing of this Act all Printers and Proprietors of Newspapers shall and are hereby required to insert any Advertisement or Advertisements by the said recited Act directed to be inserted in any Newspaper, on Payment of a reasonable Compensation for the Insertion thereof, in such Form as the said Court, or any Commissioner thereof, shall from Time to Time direct.

Repeal of Provision in recited Act respecting Insertion of Advertisements.

The Court may appoint Persons to receive Recognizances.

II. ‘ And whereas it is expedient that Persons residing at a Distance greater than Ten Miles from the Court House in *Portugal Street* who may be willing to enter into Recognizances of Sureties for the due Appearance of Insolvent Debtors before the Court, or before Commissioners on their Circuits, or before Justices of the Peace in *Berwick-upon-Tweed*, should be enabled to enter into such Recognizances without the Necessity of appearing for
‘ such

' such Purpose before the Court itself at its usual and ordinary Place of sitting; ' be it therefore enacted, That the Chief Commissioner and other the Commissioners of the Court for Relief of Insolvent Debtors for the Time being shall and may, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion shall require, empower such and so many fit and proper Persons as they shall think necessary, in all and every the several Towns and Counties within *England* and *Wales* and the Town of *Berwick-upon-Tweed*, to take and receive all and every the Recognizance or Recognizances of Sureties into which any Persons shall be willing to enter for the due Appearance of Insolvent Debtors according to such several and respective Recognizances, and in such Form as the Court, in pursuance of the Statute in that Behalf, may and shall direct and require.

III. And be it enacted, That in any Case of a Prisoner whose Estate and Effects shall have been or shall hereafter be, by Order of the Court for Relief of Insolvent Debtors, vested in the Provisional or other Assignee, and who shall be confined in the Gaol of any County, Town, or Place other than in *London*, *Southwark*, *Middlesex*, or *Surrey*, and who shall have filed his Schedule in the said Court according to the Statute in that Behalf, it shall and may be lawful for any Person or Persons who may be willing to enter into such Recognizances as before mentioned, whose usual and ordinary Place of Residence shall be distant more than Ten Miles from the Court House in *Portugal Street, London*, to appear before a Person duly appointed and empowered in manner aforesaid, and there to enter into and acknowledge such Recognizance of Sureties for the due Appearance of the Insolvent, according to such Forms and in such Terms and Manner as shall or may be prescribed by the said Court; which said Recognizances of Sureties so taken as aforesaid shall be transmitted and filed in the said Court, with an Affidavit of the due taking of the said Recognizances of such Sureties by some credible Person present at the taking thereof, upon Payment of such Fees as have been usually received for the taking of Recognizances in the said Court; which Recognizances so taken, transmitted, and filed shall be of the like Force and Effect as if the same were taken before the said Court; for the taking of every such Recognizance of Sureties the Person or Persons so empowered shall receive only the Sum or Fee of Two Shillings and Sixpence and no more.

Persons empowered to enter into Recognizances, &c.

IV. And be it enacted, That the Commissioners of the said Court shall make such Rules and Orders regulating the Amount and for the taking of such Recognizances as to them shall seem meet, so as such Sureties be not compelled to appear in Person in the said Court to justify themselves, but the same may and is hereby directed to be determined before the said Court, or a Commissioner thereof, by Affidavit or Affidavits duly taken before the Person or Persons so empowered as aforesaid, who are hereby empowered and required to take the same.

Commissioners to make Rules for regulating Amount and taking of Recognizances.

V. And be it enacted, That any Commissioner of the said Court on his Circuits shall and may take and receive all and every such Recognizances of Sureties as any Person or Persons shall be willing to make and acknowledge before him, which, being transmitted, shall

Commissioners empowered to take such Recognizances.

shall without Oath be filed in manner aforesaid, upon Payment of the usual Fees.

Court to order Discharge of Insolvent when Sureties justified, &c.

VI. And be it enacted, That as soon as such Sureties shall have justified by Affidavit in manner aforesaid, and such Recognizances as herein-before mentioned shall have been filed, the said Court shall thereupon issue a Warrant to the Gaoler for the Discharge of such Insolvent from Custody accordingly, and who shall have such and the like Privileges and be subject to such and the like Liabilities as the Statute in that Behalf directs.

Commencement of Act.

VII. And be it enacted, That this Act shall commence and come into operation on the First Day of *October* One thousand eight hundred and thirty-nine, except where any other Commencement is specified in this Act.

C A P. XL.

An Act for procuring Returns relative to the Highways and Turnpike Roads in *England* and *Wales*.

[17th *August* 1839.]

‘ **W**HEREAS it is expedient that Information should be obtained respecting the Extent and State of the Highways and Turnpike Roads in *England* and *Wales*:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Justices of the Peace within their respective Divisions and Jurisdictions in *England* and *Wales* shall and they are hereby required to appoint a Time and Place or Times and Places, which Time or Times shall be on or before the Twentieth Day of *November* One thousand eight hundred and thirty-nine, for the Surveyors of the Highways of the several Parishes, and also of the several Townships, Places, or Divisions, which repair their own Highways, and for the Surveyors of the Highways of any former Year if necessary, to deliver to them respectively the Returns to the several Matters and Things in this Act contained, and stated in the Schedule (A.) to this Act annexed; and Two or more of the said Justices shall and they are hereby required to cause Notice to be given to such Surveyors of the Highways, or to the Person or Persons, Trustee or Trustees, exercising the Duties of the Office of Surveyor of the Highways, to make such Returns respectively within their respective Jurisdictions, and also to the High Constables, and where there are no High Constables to such other proper Officers who have the Execution of Precepts from Justices of the Peace within such respective Jurisdictions, at least Six Days before the Day of such Meeting or Meetings respectively, requiring their Attendance at such Meeting or Meetings for the Purposes of this Act.

Justices to appoint a Time and Place for the Surveyors of the Highways to deliver Returns to the Matters stated in the annexed Schedule (A.), and to give Notice to them to make such Returns to the Constables, requiring their Attendance at such Meetings.

Justices to receive Returns, and examine Officers to the Truth, and attest the same.

II. And be it further enacted, That any Two or more of the said Justices of the Peace shall and may and they are hereby authorized and required, at such Meeting or Meetings so to be appointed as aforesaid, to receive and take the Returns to be made by the Surveyors of the Highways as aforesaid in Writing signed
by

by themselves, pursuant to the Directions of this Act, and then and there administer to them respectively the Declarations contained in this Act; and such Justices are hereby authorized, if they shall see Cause, to take the Declaration of such Surveyors of the Highways, touching any of the Matters contained in such Returns respectively, and to call for the original Accounts of such Surveyors of the Highways, if they shall see fit, in order to explain and verify the said Returns as shall then be made; and the said Justices shall sign and attest such Returns at the Foot of the same, without Fee, when on Inspection the same shall appear to them to be complete, and deliver such Returns so signed and attested to the respective High Constables or other proper Officers as aforesaid, in order that the same may be by them transmitted to the Clerks of the Peace or Town Clerk, as herein is directed.

III. And be it further enacted, That the said High Constables or other proper Officers within the respective Jurisdictions as aforesaid shall, at the *Michaelmas* Quarter Sessions of the Peace in the Year One thousand eight hundred and thirty-nine, (or as soon thereafter as may be,) receive from the said Clerks of the Peace or Town Clerks printed Copies of the Schedule (A.) to this Act annexed, and forthwith deliver or cause to be delivered out One Copy of such Schedule to One of the then Surveyors of the Highways of every Parish, Township, or Place within their respective Limits, as well within Towns Corporate as without; and when required by the respective Justices of the Peace as aforesaid attend the said Meeting or Meetings, and then and there receive the several Returns made by the said Surveyors of the Highways, and endorse upon the Back of each of them the Name of the Hundred, Rape, Wapentake, Lathe, Precinct, Soke, Franchise, Liberty, City, or Town Corporate wherein the said Parish, Township, or Place therein mentioned is situate, and deliver or transmit the same, together with a true and perfect List of every Parish, Township, and Place, and also of the Surveyors of the Highways to whom such Schedule shall have been delivered as aforesaid, to the several Clerks of the Peace and Town Clerks at the *Epiphany* Quarter Sessions of the Peace to be holden in the Year One thousand eight hundred and forty, or some Adjournment or Adjournments thereof, (which Adjournment and Adjournments the Justices at such Quarter Sessions are required to make to some convenient Day within Twenty Days after the said *Epiphany* Quarter Sessions in the Year One thousand eight hundred and forty, and from Time to Time as often as shall be necessary to some other convenient Days within Ten Days from the preceding Day of Adjournment in all Cases where such Returns shall not be made at the said *Epiphany* Quarter Sessions, and until full and complete Returns shall be made,) upon pain of Forfeiture for every Default and Neglect in the Matters aforesaid a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices of the Peace before whom Complaint thereof shall be made.

IV. And be it further enacted, That the Surveyors of the Highways in every such Parish, Township, and Place shall and they are hereby required to attend the Justices of the Peace at such

Constables to receive from the Clerks of the Peace Copies of the Schedule (A.), and deliver them to the Surveyors; and to attend the Meetings, and receive and transmit the Returns, &c. to the Clerks of the Peace.

Surveyors of the Highways to attend also, and deliver the Ac-

counts herein
required.

Meeting or Meetings which shall be so appointed, and then and there deliver to the said Justices, in Writing signed by them, a just and true Account as herein directed (according to their Knowledge of the same) of the estimated Extent of public Highways or Roads used for Wheel Carriages, computing the aggregate Length of such Highways in Statute Miles of Seventeen hundred and sixty Yards to a Mile, distinguishing Streets or Roads paved or repaired under any Local Act and Turnpikes, if any, within their respective Districts, Parishes, Townships, or Places, and also Accounts, as nearly as the same can be ascertained, of all and every the Sum or Sums raised and expended by them for or on account of the Highways within their respective Districts, Parishes, Townships, or Places for the several Years ending in *March* One thousand eight hundred and thirty-seven, One thousand eight hundred and thirty-eight, and One thousand eight hundred and thirty-nine, and also the Amount in the Pound at which the Highway Rate was assessed, according to the different Heads of Disbursements described in the Questions of the Schedule (A.) to this Act annexed, and shall respectively fill up the Blanks and other Spaces in such Schedule, and the several Matters required to be therein returned, according to the Truth of the Case; and shall also at the same Time produce to the said Justices, if required, the Accounts of all Money received and expended on the Highways, for their Inspection and Examination; and that every Surveyor of the Highways making default in any of the Matters hereby required shall for every such Neglect or Default forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made; and in order to enable the said Surveyors of the Highways to make Answers and Returns as aforesaid they are hereby authorized and empowered to call for, inspect, and take Copies of the Accounts of the Surveyors of the Highways for each of the Years ending in *March* One thousand eight hundred and thirty-seven, One thousand eight hundred and thirty-eight, and One thousand eight hundred and thirty-nine, or so much thereof as shall be necessary, in whose Hands soever they shall happen to be; and every Person or Persons in whose Custody or Power every such Account or Accounts shall be shall and they are hereby required to produce and deliver such respective Accounts to the said Surveyors of the Highways for the Purposes aforesaid, upon the Pain of forfeiting for every Default or Neglect in the Premises a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

Clerks of Trustees of Turnpike Roads to transmit Returns according to Form in Schedule (B.)

V. And be it further enacted, That the several and respective Clerks to the Trustees or Commissioners of every Turnpike Road in *England* and *Wales* shall, within Sixty Days after the passing of this Act, transmit to One of Her Majesty's Principal Secretaries of State for the Time being a Return in Writing containing Answers to the Questions in the Form in Schedule (B.) annexed to this Act, upon the Pain of forfeiting for every Default or Neglect a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

VI. And

VI. And be it further enacted, That if any Surveyor of the Highways, or Clerk to Trustees or Commissioners of Turnpike Roads, required to make any such Return or Returns as aforesaid, shall conceal any Matter or Matters directed to be inquired into by the said Schedules, or either of them, or shall knowingly or wilfully make a false or imperfect Return, every such Surveyor or Clerk shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered by Action of Debt, Bill, Complaint, or Information in any of Her Majesty's Courts of Record at *Westminster* in case the Offence shall be committed in *England*, in the Counties Palatine of *Lancaster*, *Chester*, and *Durham* in case the Offence shall be committed in those Counties, or either of them respectively, or in the Great Sessions of the Principality of *Wales* in case the Offence shall be committed in *Wales*.

Penalty on
Officers making
false Returns.

VII. And be it further enacted, That the several Forfeitures and Penalties inflicted by this Act shall, unless otherwise directed by this Act, if not immediately paid, be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction where such Offender shall dwell, rendering to the said Offender the Overplus (if any) after the Charge of such Distress and Sale shall be deducted; and in case sufficient Distress shall not be found, then it shall be lawful for such Justice to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for a Term not exceeding Three Calendar Months, with or without hard Labour, unless the said Forfeitures and Charges shall be sooner paid; and the said Forfeitures, when recovered, shall be paid and applied to the Treasurer of the County, Riding, Division, Precinct, Soke, Franchise, Liberty, City, and Town Corporate in which the Offender shall dwell, in aid of the County or other Rates; and any Person shall be deemed a competent Witness for the Execution of any of the Purposes of this Act notwithstanding his paying or being liable to pay towards such County Rates or other Rates.

Recovery and
Application of
Penalties.

VIII. And be it further enacted, That any Justice of the Peace aforesaid before whom any Return shall be made in pursuance of this Act by any Surveyor of the Highways shall and he is hereby empowered and required to administer to such Surveyor of the Highways the following Declarations; *videlicet*,

Justices to
administer
Declarations
to Surveyors.

' YOU do solemnly and sincerely declare, That the Return made
' by you contains, to the best of your Knowledge and Belief,
' a full and true Answer to the Questions contained in the Sche-
' dule (A.) of the Act, intituled *An Act for procuring Returns*
' *relative to the Highways and Turnpike Roads in England and*
' *Wales*; and you make this solemn Declaration conscientiously
' believing the same to be true, and by virtue of the Provisions of
' an Act made and passed in the Fifth and Sixth Years of the
' Reign of His late Majesty King *William* the Fourth, intituled
' *An Act to repeal an Act of the present Session of Parliament,*
' intituled *An Act for the more effectual Abolition of Oaths and*
' *Affirmations taken and made in various Departments of the*
' *State, and to substitute Declarations in lieu thereof, and for the*
' *more entire Suppression of voluntary and extra-judicial Oaths*

Forms of
Declaration.

‘ ‘ and Affirmations ;’ and to make other Provisions for the Abolition of unnecessary Oaths.’

‘ YOU do solemnly and sincerely declare, That you will true Answer make to all such Questions as shall be demanded of you touching these your Returns relative to the Highways of the Parish [or Township] of as far as the same is within your Knowledge.’

Making false Declaration a Misdemeanor.

IX. And be it further enacted, That in case any Person or Persons shall wilfully and corruptly make a false Declaration touching any of the Matters contained in this Act, every such Person or Persons offending shall be deemed guilty of a Misdemeanor.

Copy of Act and of Schedule (A.) to be transmitted by Queen's Printer to Clerks of the Peace.

X. And be it further enacted, That a sufficient Number of printed Copies of this Act, and also of the Schedule (A.) hereunto annexed, shall, as soon as conveniently may be after the passing of this Act, be transmitted by Her Majesty's Printer to the Clerks of the Peace of the several and respective Counties, Ridings, Divisions, Precincts, Sokes, Franchises, and Liberties in *England* and *Wales*; and that the said several Clerks of the Peace shall and they are hereby required, at the *Michaelmas* Quarter Sessions One thousand eight hundred and thirty-nine, to cause the said Acts to be distributed among all and every the acting Justices of the Peace within their respective Limits, and also a sufficient Number of the Schedule (A.) to this Act annexed to be delivered to the High Constables or other proper Officers who have the Execution of Precepts from such Justices of the Peace within their respective Limits; and which said Clerks of the Peace shall also cause a sufficient Number of such Copies of this Act and Schedule respectively to be delivered to the Town Clerks or other proper Officers of every City, Borough, Town Corporate, or Place in which Quarter Sessions of the Peace are usually holden, situate in the County, Riding, or Division for which the said Clerks of the Peace shall respectively act, to be by the said Town Clerks respectively distributed in like Manner among the acting Justices of the Peace in every such City, Borough, Town Corporate, or Place, and among the proper Officers who have the Execution of Precepts from such Justices of such City, Borough, Town Corporate, or Place; and the said Clerks of the Peace and Town Clerks respectively shall also receive the Returns to be made pursuant to the Directions herein given, and transmit the same, with a List thereof (and also another List therewith of Parishes or Places not having made due Returns), to One of Her Majesty's Principal Secretaries of State within Thirty Days after the respective *Epiphany* Quarter Sessions, in order that an Abstract of the same may be made and presented to both Houses of Parliament, upon pain of forfeiting for every Neglect and Default a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Justice or Justices before whom Complaint thereof shall be made.

SCHEDULE (A.)

QUESTIONS to which, by Directions of an Act passed in the Third Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales," written Answers are to be returned by the Surveyor of the Highways of every Parish, Township, or District in England and Wales; for which Purpose the said Surveyor of the Highways is to attend the Justices of the Peace within their respective Jurisdictions, on pain of incurring the Penalties imposed by the said Act for every wilful Default or Neglect.

First: What is the estimated Extent of public Highways or Roads used for Wheel Carriages within your Parish or District, computing the aggregate Length of such Highways in Statute Miles of One thousand seven hundred and sixty Yards to a Mile, distinguishing Streets or Roads repaired under any Local Act and Turnpikes (if any) from all other such Highways or Roads?

Second: What was the Amount of Rates levied for the Repair of the Highways in each of the Years ending in March 1837, 1838, and 1839?

Third: What was the Amount expended in Repairs of the Highways in each of those Years respectively?

Fourth: What was the Amount of Money expended in Law and other Expences relative to the Highways, exclusive of Repairs occasioned by Presentments or Indictments, in those Years respectively?

Fifth: What was the total Amount of Money expended in those Years respectively?

In answer to this Question you are to take care that the Amount be the Total of the Two Columns marked 3 and 4, or to explain on the Schedule why it does not agree therewith.

Sixth: What was the Amount in the Pound at which the Highway Rate was assessed in each of the Years ending in March 1837, 1838, and 1839?

Seventh: Are there any Matters which you think it necessary to remark in explanation of your Answers to any of the preceding Questions?

Names Description of District, whether usually in Parish, Tithing, , or the like; not a Parish, but Parish.	To Question 1.			To Question 2.	To Question 3.	To Question 4.	To Question 5.	To Question 6.
	Years ending in March	Length of the public Highways used for Wheel Carriages.	Amount of Rates levied.	Amount of Money expended in Repairs of Highways.	Amount of Money expended in Law and other Expenses occasioned by Presentment or Indictment.	Total Expenditure in Money in these Years respectively.	Amount in the Pound at which the Highway Rate was assessed.	
	Streets or Roads paved or repaired under a Local Act.	Turn- pike. High- ways.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
	1837.							
	1838.							
	1839.							
Remarks in answer to Question 7.								

I A. B., residing at _____ in the County of _____ Surveyor of the Highways for the _____ of _____ in the County of _____ do solemnly and sincerely declare, That the above Return contains, to the best of my Knowledge and Belief, a full and true Answer to the Questions contained in Schedule (A.) of an Act, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales;" and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths."

Declared before us C. D., E. F., Justices of the Peace
in and for the _____ of this _____ Day
of _____ One thousand eight hundred and _____
(Signed) _____
C. D.
E. F.

(Signed) _____ Surveyor of the Highways.

SCHEDULE (B.)

QUESTIONS to which, by Direction of an Act passed in the Third Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for procuring Returns relative to the Highways and Turnpike Roads in England and Wales," written Answers are to be transmitted by the Clerk to the Trustees or Commissioners of every Turnpike Road to One of Her Majesty's Principal Secretaries of State within Sixty Days after the passing of the said Act, on pain of incurring the Penalties imposed by the said Act for every wilful Default or Neglect.

First: What is the estimated Extent of the Turnpike Road within the Trust of which you are Clerk, computing the aggregate Length of such Road in Statute Miles of One thousand seven hundred and sixty Yards to a Mile?

Second: How many Gates and Side Bars are erected on such Road or the Sides thereof?

Third: What are the Number of Parishes or Extra-parochial Places, and Names of each, through which such Turnpike Road passes, and the Extent of Miles in each such Parish or Extra-parochial Place?

Fourth: What is the present Condition of such Road, and is any Part under Indictment for Want of Repair?

Fifth: Whether the whole of such Road is repaired by the Trustees or in part by any Parish; and if so, how much?

Sixth: To what Extent (if any), in your Opinion, have the Securities held by the Creditors on Turnpike Road Bonds in your Trust been affected by the Introduction of Railroads?

Seventh: To what Extent, if any, in your Opinion, have such Securities been affected by the Abolition of Statute Labour?

Eighth: By what Statute (or Statutes) is your Trust regulated, and at what Period will such Statute (or Statutes) expire?—State the Year of the Reign in which each Statute was passed, and the Chapter?

Ninth: What was the Total Amount of the Bonded or Mortgage Debt in your Trust on the 31st December 1838?

Tenth: At what Period or Periods was the Money borrowed?

Eleventh: How much of the Bondage or Mortgage Debt consists of unpaid Interest converted into Principal; and when and by what Authority did such Conversion take place?

Twelfth: What was the Total Amount of Interest paid to the Holders of Bonds or Mortgages in each of the Years 1832, 1833, 1834, 1835, 1836, 1837, and 1838 respectively?

Thirteenth: At what Rate per Cent. was Interest due on such Securities; and at what Rate per Cent. was Interest actually paid in each of those Years respectively?

Fourteenth: Are there any Matters which you think it necessary to remark in explanation of your Answers to any of the preceding Questions?

I *A.B.* of _____ in the County of _____ Clerk to
 the Trustees [*or Commissioners*] of the _____ Turnpike
 Trust in the County of _____ do hereby certify, That the
 ' above

‘ above Return contains, to the best of my Knowledge and Belief,
‘ a full and true Answer to the above Questions.

‘ (Signed) *A.B.*
‘ the Day of 18 .’

C A P. XLI.

An Act for regulating the Sequestration of the Estates of Bankrupts in *Scotland*. [17th August 1839.]

‘ WHEREAS it is expedient to amend the Laws for regulating the Sequestration of Estates of Bankrupts in *Scotland*;’
‘ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Sequestrations depending at the Commencement of this Act shall be proceeded in and brought to a Conclusion under the Provisions of an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in Scotland*, and not under this Act; and the said recited Act, so far as not altered or repealed, shall for such Purpose, and in all other respects, except applying for, awarding, proceeding with, and bringing to a Conclusion Sequestrations as herein-after provided for, and in as far as not at variance or inconsistent with this Act, remain and continue in force.

Depending
Sequestrations
to be pro-
ceeded in under
54 G. S. c. 137.

Commencement
of this Act.

II. And be it enacted, That this Act shall commence and take effect from and after the End of the present Session of Parliament; and thereafter all Sequestrations shall be awarded in virtue of and in Terms of this Act, and of no other Act, and such Sequestrations shall be proceeded in and brought to a Conclusion under the Provisions of this Act.

Construction
and Meaning
of Words.

III. And be it enacted, That in construing this Act the Word “ Lord Ordinary ” shall mean the Lord Ordinary officiating on the Bills in the Court of Session; that the Words “ Clerk or Officer of the Court of Session ” shall include the Keeper of the Register of Abbreviates of Adjudications; that the Word “ Commissioners ” shall mean a Majority of the Commissioners herein-after mentioned; that the Word “ Estates ” shall include every Kind of Property, Heritable or Moveable, Real or Personal, and Lands, Tenements, and Hereditaments, wherever situated, and Debts, Claims, and incorporeal Rights belonging or due or falling by Succession or otherwise to the Bankrupt, and any Part thereof; that the Word “ Deliverance ” shall include any Order, Warrant, Judgment, Interlocutor, or Decree; that the Word “ Security ” shall include Securities, Heritable or Moveable, Real or Personal, and Liens and Preferences, and Conveyances thereof, and any Part thereof; that the Word “ Successors ” shall include Heirs, Heirs Apparent, Representatives by Deed or otherwise, Executors, and nearest of Kin, and also Assignees and singular Successors where they have acquired the Right; that the Word “ Month ” shall mean a Calendar Month; that the Word “ Oath ” shall include Affirmation where by Law such Affirmation shall be required to be taken in place of an Oath; that the Word “ Vote ” shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition

position and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge, and generally any Act as a Creditor; that the Words "Debtor," "Bankrupt," and "Creditor" shall include Bodies Corporate, Politic, or Collegiate, Companies or Partnerships, as well as Individuals, and shall, as well as all other Words importing the Singular Number and Masculine Gender, include several Persons as well as one Person, and Females as well as Males, and Married Women carrying on Trade independent of their Husbands, and Widows and Aliens (unless in this and also in the other Cases herein above specified a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context); and this Act shall be construed in the most beneficial Manner for promoting the Ends hereby intended.

Act to be construed beneficially for the Ends thereof.

IV. And be it enacted, That Sequestration may be applied for of the Estates of any deceased Debtor who at the Time of his Death resided or had a Dwelling House or carried on Business in *Scotland*, and was at that Time Owner of Heritable or Moveable Estates in *Scotland*, provided such Sequestration shall be applied for by One or more Creditors qualified as herein-after mentioned; but no such Sequestration shall be awarded until the Expiration of Six Months from the Debtor's Death, unless he shall have granted a Mandate to apply for Sequestration, or was at the Time of his Death notour Bankrupt, or had remained in Sanctuary for Sixty Days (either continuously or not) within the Space of Twelve Months immediately preceding his Death, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded.

Sequestration of Estates of a deceased Debtor.

V. And be it enacted, That the Estates of any Debtor subject to the Laws of *Scotland* who is or has been a Merchant, Trader, Manufacturer, Banker, Broker, Warehouseman, Wharfinger, Underwriter, Artificer, Packer, Builder, Carpenter, Shipwright, Innkeeper, Hotel Keeper, Stable Keeper, Coach Contractor, Cattle Dealer, Grain Dealer, Coal Dealer, Fish Dealer, Lime Burner, Dyer, Printer, Bleacher, Fuller, Calenderer, and generally the Estates of any Debtor subject as aforesaid who seeks or has sought his Living, or a material Part thereof, for himself, or in Partnership with another, or as Agent or Factor for others, by using the Trade of Merchandize by way of Bargain, Exchange, Barter, Commission, or Consignment, or by buying and selling, or by buying and letting for Hire, or by the Workmanship or Manufacture of Goods or Commodities, may be sequestrated, with the Consent of such Debtor, provided that the Debtor shall petition for Sequestration with the Concurrence of One or more Creditors qualified as herein-after mentioned; and if the Petition is not signed by such Debtor, a Mandate by him, authorizing such Petition, shall be therewith produced; or without the Consent of such Debtor, provided that he be notour Bankrupt, and have carried on Business in *Scotland* in any of the said Occupations, and have also, within a Year before the Date of presenting the Petition for Sequestration resided or had a Dwelling House or Place of Business in *Scotland*, and that a Petition be presented by One or more Creditors, as herein-after directed; but it shall not be competent to sequestrate the Estates of any Debtor as a Holder of Stock in any of the

Sequestration of Estates of Merchants, &c.

Exceptions.

the Public or National Funds, or of *India* Stock, or as a Partner in any Company incorporated or established by Act of Parliament or by Charter, or as a Landholder or Farmer, unless such Landholder or Farmer be *bond fide* a Dealer in Cattle not the Produce of nor grazed nor worked on his Farm, or unless he be a Dealer in Grain not the Produce thereof.

Sequestration
of Estates of
Companies.

VI. And be it enacted, That the Estates of any Company subject to the Laws of *Scotland*, and falling within any of the said Descriptions, and not within any of the said Exceptions, may be sequestrated, with the Consent of such Company, provided that the Company shall petition for Sequestration, with the Concurrence of One or more Creditors, qualified as herein-after mentioned; and if the Petition is not signed by such Company, a Mandate signed by such Company, or those entitled to act for it, authorizing such Petition, shall be therewith produced; or without Consent, provided any Partner thereof has been rendered notour Bankrupt for a Company Debt, and the Company have carried on Business in *Scotland* in any of the said Occupations, and a Partner have, within a Year before the Date of presenting the Petition for Sequestration, resided or had a Dwelling House, or the Company have had a Place of Business, in *Scotland*, and a Petition for Sequestration be presented by One or more Creditors of the Company as herein-after directed.

Sequestration
of the Estates
of Debtors
retiring to the
Sanctuary.

VII. And be it enacted, That if any Debtor subject to the Laws of *Scotland*, and falling within any of the said Descriptions, and not within any of the said Exceptions, shall retire to the Sanctuary, and remain therein for Sixty Days (either continuously or not) within the Space of Twelve Months, the Estate of such Debtor, although he be not notour Bankrupt, may be sequestrated without the Consent of such Debtor, provided a Petition be presented by One or more Creditors as herein-after directed.

Creditors
entitled to
petition for
Sequestration.

VIII. And be it enacted, That any One Creditor whose Debt amounts to not less than Fifty Pounds, or any Two Creditors whose Debts together amount to not less than Seventy Pounds, or any Three or more Creditors whose Debts together amount to One hundred Pounds or upwards, whether such Debts are liquid or illiquid (provided they be not contingent), may concur in a Petition by a Debtor or Company for Sequestration, or may petition for Sequestration, of the Estates of any Debtor or Company liable to be sequestrated without Consent; provided that if it be without Consent of the Debtor or Company the Petition be presented within Four Months after the Date of the notour Bankruptcy, or, in case of retiring to the Sanctuary, within Four Months after the Expiration of the said Sixty Days as aforesaid.

Creditors to
make Oaths to
Verity of Debt.

IX. And be it enacted, That to entitle a Creditor residing within the Kingdom of *Great Britain* and *Ireland* to petition or concur in a Petition for Sequestration, or to vote, or to draw a Dividend, he shall produce, either with the Petition for Sequestration, or at a Meeting of the Creditors, or in the Hands of the Trustee, an Oath taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons (if any) are, besides the Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt

Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified, and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect; and if he hold a collateral Obligation or Security he shall, before voting, and before being ranked in order to draw a Dividend, be bound to qualify his Claim as herein-after provided; and in Cases where the Creditor is a Body Corporate an Oath of Verity made as aforesaid by the Manager, Cashier, Secretary, Clerk or other principal Officer of such Body Corporate shall be sufficient, although the Person making the same be not a Partner in such Corporation; or in case of a Company an Oath by a Partner shall be sufficient.

X. And be it enacted, That to entitle a Creditor who is out of the Kingdom of *Great Britain* and *Ireland* to petition or concur in a Petition, or to vote, or to draw a Dividend, he shall produce as aforesaid an Oath taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides, (he being certified to be a Magistrate or Justice of the Peace or qualified as aforesaid by a *British* Minister or *British* Consul, or by a Notary Public,) or his known Agent or Mandatory in *Great Britain* or *Ireland* shall make an Oath of Credulity in the Manner and to the Effect before provided; and where any Creditor shall be under Age, or incapable to make Oath, an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

Creditors out of
Great Britain
and Ireland;

or incapable of
an Oath.

XI. And be it enacted, That the Creditor shall produce with his said Oath such Accounts and Vouchers as shall be necessary to prove his Debt; but if not in Possession thereof previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state in his Oath the Cause why the said Accounts and Vouchers are not produced, and in whose Hands, to the best of his Knowledge, the same are, which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production thereof, or for otherwise establishing his Debt according to Law, but he shall not be entitled to act or vote till such Production be made or the Debt established as aforesaid; and the Interim Factor or Trustee shall, on Production of the Oaths and Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and if required he shall return to the Creditor the Grounds of Debt.

Production of
Vouchers.

XII. And be it enacted, That Application for Sequestration shall be made by Petition to the Lord Ordinary signed by the Petitioner or his Counsel, and the Division of the Court to which the Sequestration shall be appropriated may be marked thereon, and the petitioning or concurring Creditor shall in all Cases produce with such Petition an Oath to the Effect above specified, and also the Accounts and Vouchers of Debt as herein-before provided; and where the Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in *Scotland* at the Time of his Death, and whether he was then Owner of

Mode of apply-
ing for Seques-
tration.

of Estates in *Scotland*; and where the Petition is presented during the Life of the Debtor, or for Sequestration of the Estates of a Company, without the Consent of the Debtor or Company, the Petitioning Creditor shall in such Oath swear that he believes the Debtor or Company (as the Case may be) to be within one or other of the said Descriptions, and he shall specify which Description, or that he believes the Debtor to have retired and remained within the Sanctuary as herein-before provided.

On Petition by
the Debtor,
Sequestration
to be awarded.

Order to elect
Interim Factor,
Trustee, and
Commissioners.

Remit to
Sheriff.

Protection of
Debtor.

Sequestration
of the Estates
of deceased
Debtor.

XIII. And be it enacted, That where a Petition is presented for Sequestration by the Debtor or by a Company with Concurrence as aforesaid, the Lord Ordinary shall forthwith issue a Deliverance by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor or Company before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act; and he shall appoint a Meeting of the Creditors to be held at a specified Hour on a specified Day, being not earlier than Eight and not later than Fourteen Days from the Date of the Deliverance, at a convenient Place within the County where the Debtor carries on or last carried on his Business, (failing which, at a convenient Place within the County wherein he resides or last resided,) to elect an Interim Factor, and another Meeting to be held at a specified Hour on another specified Day, being not less than Four Weeks and not more than Six Weeks from the Date of the Deliverance, at the Place fixed for the Election of Interim Factor, to elect a Trustee or Trustees in succession and Commissioners, and do the other Acts herein-after provided; and he shall likewise remit to the Sheriff of the County where the Meeting is to be held to proceed in manner herein-after mentioned, and grant to the Debtor or Partners of the Company (as the Case may be) a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee as herein-after provided.

XIV. And be it enacted, That where a Petition is presented for Sequestration of the Estates of a Debtor who is dead the Lord Ordinary shall grant Warrant to cite the Debtor's Successor personally, or at his Dwelling Place if known and within *Scotland*, or if not known, or if furth of *Scotland*, at the Office of Edictal Citations, and in either of these last Cases also at the House where the Debtor had, at the Time of his Death, his Residence or his Place of Business in *Scotland*, on Induciae of Twenty-one Days from the Date of Citation, to show Cause why Sequestration should not be awarded; and if on the Expiration of the said Twenty-one Days, and Production of an Execution of Citation, no Appearance be made, the Lord Ordinary shall order Intimation of such Warrant to be published in the *Edinburgh Gazette*, requiring the said Successor to appear within a further Space of Twenty-one Days from the Date of the Publication of the said Intimation, and if he do not then appear, or, if appearing, no Cause to the contrary be shown by him or any Party interested, the Lord Ordinary shall award Sequestration, and issue the other Orders as herein-above provided in the Case of any other Debtor, in so far as Circumstances will permit, and he shall ordain any Successor who has made up a Title to or is in Possession of the Estate of the Debtor

to transfer such Estate, so far as liable for the Debts of the Deceased, to the Trustee to be appointed as herein-after directed; and if desired the Lord Ordinary shall grant Diligence to recover Evidence to show that the Debtor resided or had a Dwelling House or carried on Business in *Scotland* at the Time of his Death, and was then the Owner of Heritable or Moveable Estates in *Scotland*, and was notour Bankrupt, or had retired to and remained in Sanctuary as herein-before mentioned; and if Sequestration shall be awarded such Sequestration shall proceed in the same Way as in other Cases, with the Differences necessarily arising from the Death of the Debtor; and the Petitioning Creditor may at any Time after the Execution of the Citation, and before Sequestration is awarded, apply by written Note to the Lord Ordinary to appoint a Judicial Factor to administer the Estate in the meantime, and if no Cause be shown to the contrary the Lord Ordinary may appoint a Factor accordingly; and it shall not be competent for any Creditor, after the Date of the first Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication or Diligence against the Estate of the Debtor.

XV. And be it enacted, That where the Petition for Sequestration is presented without the Consent of the Debtor, the Lord Ordinary shall grant Warrant to cite him to appear within a specified Period, if he be within *Scotland*, of not less than Six Days nor more than Twenty-one Days from the Date of Citation, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, a Copy of the Petition and Warrant, and if the Debtor be furth of *Scotland* to cite him to appear within a specified Period, being not less than Thirty Days nor more than Forty Days from the said Date, by leaving a Copy at the Dwelling House or Place of Business last occupied by him, and also at the Office of Edictal Citations, to show Cause why Sequestration should not be awarded; and the Lord Ordinary shall, if desired, grant Diligence to recover Evidence of the notour Bankruptcy, and of the Debtor being within the requisite Description, or of his having retired to and remained within the Sanctuary as aforesaid; and if upon the Expiration of the Time specified in the Warrant the Debtor do not appear at the Diet of Appearance either in Person or by his Counsel or Agent, or so appearing do not instantly pay or produce written Evidence of the Debt or Debts being satisfied in respect whereof he was made notour Bankrupt, or in respect of which he had retired to and remained within the Sanctuary, and also pay or satisfy or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or Petitioners, or to any other Creditor or Creditors appearing and concurring in the Petition, or do not show Cause why Sequestration should not be awarded, the Lord Ordinary, on Production of Evidence of the Citation and of the notour Bankruptcy, and of the Debtor being within the requisite Description, or of having retired to and remained within the Sanctuary as aforesaid, shall award Sequestration, appoint a Meeting to be held for the Election of an Interim Factor, Trustee, and Commissioners, remit to the Sheriff, and grant a personal Protection, all to the Effect and in the Manner above specified.

If Sequestration applied for without the Debtor's Consent, Warrant to cite, &c. to be granted.

XVI. And

Sequestration of the Estates of a Company without Consent.

XVI. And be it enacted, That where a Petition is presented for the Sequestration of the Estates of any Company, the Lord Ordinary shall issue Warrant and other Orders to the same Effect, and dispose of the Petition in the same Way, as in the Case of individual Debtors; and it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof, at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving the Copy at the Office of Edictal Citations; and Sequestration may be awarded, either on the Application of the Company itself, or on the Application of a Creditor without the Consent thereof, of the Estates of the Company and Partners jointly or of their respective Estates separately.

Liberation of Debtor.

XVII. And be it enacted, That the Lord Ordinary may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor if in Prison, after such Intimation to the incarcerating Creditor or his known Agent as the Lord Ordinary shall deem to be just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the Debtor to make a new Application for Liberation, with Consent of the Trustee and the Commissioners, and on Intimation and hearing Objections as aforesaid the Lord Ordinary may grant Warrant to liberate.

Effect of Warrant to protect or liberate.

XVIII. And be it enacted, That the Warrant granting Protection or Liberation, or a Copy thereof certified by one of the Bill Chamber Clerks, shall protect or liberate the Debtor from Arrest or Imprisonment in *Great Britain* and *Ireland* and Her Majesty's other Dominions for Civil Debt contracted previous to the Date of Sequestration; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Arrest or Imprisonment in *meditatione fugæ*, or *ad factum præstandum*, or for any Criminal Act.

Bill Chamber Clerks to be Clerks of Sequestrations, and shall keep the Register of Sequestrations.

XIX. And be it enacted, That the Clerks of the Bill Chamber in the Court of Session shall be Clerks to Sequestrations under this Act; and they shall keep a Book, intituled "The Register of Sequestrations," in the Form of Schedule (A.) hereunto annexed, which Book shall be patent to all concerned; and they shall forthwith therein enter the Division of the Court to which the Sequestration is appropriated, the Date of the first Deliverance on every Petition for Sequestration, the Name and Designation of the Debtor, the Place and County of his Residence, Dwelling House, or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff, the Time and Place appointed for the Election of the Interim Factor and Trustee, the Name and Designation of the Interim Factor, and of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the first Dividend.

Abbreviate to be recorded in Register of Inhibitions.

XX. And be it enacted, That the Party applying for Sequestration shall, before the Expiration of the Second lawful Day after the first Deliverance, present an Abbreviate of the Petition and Deliver-

Deliverance, signed by him or his Agent, in the Form of Schedule (B. No. 1.) hereunto annexed, to the Keeper of the Register of Hornings and Inhibitions at *Edinburgh*, who shall forthwith therein record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Petition in the Form also specified in the said Schedule (B. No. 2.); and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition or Citation as aforesaid; and the Party applying for Sequestration shall, within Four Days from the Date of the Deliverance awarding Sequestration, insert a Notice in the Form of Schedule (C.) hereunto annexed in the *Edinburgh Gazette*, and also One Notice in the same Terms, within Eight Days from the said Date, in the *London Gazette*, but it shall not be necessary to insert any other Notice under this Act in the *London Gazette*.

Notice of Sequestration to be published in the Gazette.

XXI. And be it enacted, That the Deliverance awarding Sequestration shall not be subject to Review; but any Debtor whose Estate has been sequestrated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated as aforesaid, or any Creditor (whether the Sequestration has been awarded with or without the Consent of the Debtor or his Successor), may within Forty Days after the Date of the said Deliverance present a Petition to the Lord Ordinary, setting forth the Grounds for Recall, and praying for Recall; and where Sequestration has been awarded of the Estate of a deceased Debtor when his Successor was edictally cited, it shall be competent to such Successor, or any Person having Interest, to apply by Petition as aforesaid at any Time before the Publication of the Advertisement for Payment of the first Dividend herein-after mentioned; and the Lord Ordinary shall in these several Cases order a Copy of the Petition and of his Deliverance to be served on the Petitioning Creditor or (as the Case may be) on the Petitioning Debtor and the concurring Creditor, or on their respective known Agents, and on the Interim Factor or Trustee, if appointed, and he shall require them to answer within a specified short Time, and order a Notice of the presenting of the Petition to be published in the *Edinburgh Gazette*, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recall the Sequestration the Recall shall be entered in the Register of Sequestrations and on the Margin of the said Register of Inhibitions; but in the meantime and until the Sequestration be finally recalled the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Deliverance awarding Sequestration not liable to Review, but may be recalled.

Notice to be published.

XXII. And be it enacted, That no Petition for Recall of the Sequestration shall be competent after the Expiration of the said Forty Days, or after the said Advertisement for Payment of the first Dividend respectively: Provided that Nine Tenths in Number and Value of the Creditors ranked on the Estate as herein directed may apply at any Time for Recall by Petition to the Lord Ordinary,

No Recall competent after a certain Time, unless Nine Tenths of Creditors apply.

ordinary,

nary, who shall order Notice of his Deliverance to be published in the *Edinburgh Gazette*, requiring all concerned to appear within Fourteen Days from the Date of Publication in the Gazette to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment; but in the meantime and until the Sequestration be finally recalled the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

Creditors may be sisted in place of others.

Proceedings to go on although Debtor die.

Date of Sequestration.

Sequestration equivalent to notour Bankruptcy.

Petitioning, concurring, or claiming, shall interrupt Prescription, and bar the Statute of Limitations.

Sequestration to remain in Bill Chamber, but Copy of Petition, &c. to be transmitted to Sheriff Clerk.

XXIII. And be it enacted, That if a Creditor who has petitioned for Sequestration or concurred in such Petition, or who has petitioned for Recall of a Sequestration, or appeared to oppose a Petition for Sequestration or Recall, or lodged an Objection, shall withdraw, or become bankrupt, or die, any other Creditor may be sisted in his Place, and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

XXIV. And be it enacted, That in all Questions under this Act the Sequestration shall be held to commence and take effect on and from the Date of the first Deliverance by the Lord Ordinary, which shall be held to be the Date of the Sequestration, although the Sequestration be not actually awarded till a later Date.

XXV. And be it enacted, That the awarding of Sequestration in virtue of this Act shall render the Debtor or Company notour Bankrupt, as at the Date of the first Deliverance, without Prejudice to any previous notour Bankruptcy; and in all Questions upon this Act all Dispositions, Heritable Bonds, or other Heritable Rights whereupon Infertment may follow shall be reckoned to be of the Date of the Registration of the Sasine taken thereon, without Prejudice to the Validity or Invalidity of the said Heritable Rights in all other respects; and all Dispositions, Assignations, and Venditions which do not require Sasine, but to which Intimation or Delivery is requisite in order to render them complete as Transferences or as Securities, shall in all Questions under this Act be reckoned to be of the Date of the Intimation, Delivery, or other Act requisite for completing the same, without Prejudice to their Validity or Invalidity in other respects.

XXVI. And be it enacted, That the presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in Terms of this Act in the Hands of the Interim Factor, Sheriff Clerk acting as Factor or Trustee, or the Sheriff officiating or Preses at any Meeting of Creditors, shall interrupt Prescription of the Creditor's Debt so petitioning, concurring, or claiming, and in regard to such Debt bar the Effect of any Statute of Limitations in *England* or *Ireland* or Her Majesty's Dominions, and although the Sequestration shall be recalled such Interruption or Bar shall notwithstanding be effectual.

XXVII. And be it enacted, That notwithstanding the said Remit to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and shall not fall asleep; and on the said Remit being made a Copy of the Petition for Sequestration, and of the first Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber, shall, with the Productions,

be

be transmitted by the Petitioner to the Sheriff Clerk of the County or Place where the Meeting for Election of Interim Factor is directed to be held; and the Sheriff shall have as full Power and Jurisdiction as hitherto possessed by the Court of Session (subject to Review) in all Questions in the Sequestration, except in those Cases where the Power is otherwise specially conferred, and the Sheriff Clerk and Messengers at Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act; and the Sheriff Clerk shall keep a Register of Sequestrations transmitted to him in Terms of the said Schedule (A.)

Jurisdiction of Sheriff.

Sheriff Clerk to keep Register.

XXVIII. And be it enacted, That all Deliverances of the Lord Ordinary and of the Court of Session and of the Sheriff, as well as Extracts and certified Copies of all Deliverances under this Act, shall be Evidence in all Courts and Places within *Great Britain and Ireland* and Her Majesty's Dominions, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

Extracts to be Evidence and Warrants for Diligence.

XXIX. And be it enacted, That no Person shall, by merely lodging an Oath and Claim, or being ranked, or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration, as a Creditor, be liable for any Claim by the Agent or other Person employed by the Interim Factor or Trustee for Money advanced or Expence incurred or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate, and from the Interim Factor or Trustee by whom he may have been so employed, in so far as the same may be competent to him; and no Interim Factor or Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Interim Factor or Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Agent's Claim for Expences restricted to the Estate and against the Employer.

XXX. And be it enacted, That the Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Mandatories for Creditors may vote.

XXXI. And be it enacted, That no Person who shall acquire, after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, shall be entitled to vote in the Election of Interim Factor or Trustee or Commissioners, but in all other respects such Person may be reckoned as a Creditor.

Persons acquiring Debts after Sequestration not to vote.

XXXII. And be it enacted, That if a Creditor claim for a Debt with bygone Interest he may in his Oath accumulate the Interest as at the Date of the Sequestration, and he shall specify the Amount of the Interest, and also of the accumulated Sum, but he shall not be entitled to claim on the Estate for Interest either on the Principal Debt or on such accumulated Sum after the Date of the Sequestration; and if a Creditor claim for a Debt which is not payable till after the Date of the Sequestration, he shall in his Oath deduct the legal Interest thereon from the Date of the Sequestration to the Time of Payment, and specify the Balance, and if he claim for a Debt which by the Usage of Trade is liable to a Discount of more than legal Interest, he shall in his Oath state the Amount of such Discount, and deduct it from the Debt, and specify the Balance; provided that if such Debt be not payable at the

Creditors may accumulate Arrears of Interest.

Rules as to Interest on Debts and Discounts.

Date of the Sequestration he shall also deduct from such Balance the legal Interest as aforesaid, and specify the Balance; and the Creditor in the said several Cases shall be entitled to vote and to draw Dividends for the said accumulated Sum or Balance respectively and no more; provided that if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

Rules as to Valuation of Securities with a view to voting, where a Creditor holds them over the Bankrupt's Estate.

XXXIII. And be it enacted, That if a Creditor hold a Security for his Debt over the Estate of the Bankrupt he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate be sold he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof; and he shall be entitled in either Case to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the whole Amount of his Debt, without making any such Deduction.

Where he has Obligants, &c. liable in Relief to the Bankrupt.

XXXIV. And be it enacted, That where a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obligation of such Obligant, and on such Security, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Creditors of a Company or a Partner's Estate.

XXXV. And be it enacted, That a Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath, put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Right of Trustee to Assignment to such Securities.

XXXVI. Provided always, and be it enacted, That it shall be competent to the Trustee, with Consent of the Commissioners, within Two Months after an Oath specifying the Value of a Security or Obligation or Claim in the several Cases before mentioned has been made use of in voting at any Meeting, or in assenting to or dissenting from the Bankrupt's Composition or Discharge, as also it shall be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignment in favour of the Trustee to such Security or Obligation, on Payment of the specified Value, with

with *Twenty per Centum* in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignment at the Expence of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Provision for Change on Values of Securities.

XXXVII. And be it enacted, That to entitle any Creditor who holds a Security over the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignment to such Security, at the Expence of the Estate, on Payment of the Value so specified out of the first of the common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to his Debt in other respects.

Rules as to Valuation of Securities with a view to a Dividend.

XXXVIII. And be it enacted, That where Creditors claim on the Estate of a Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditors for payment of a Dividend, put a Valuation on the Estate of the Company, and deduct from the Claims of such Creditors such estimated Value, and rank and pay to them a Dividend only on the Balance, but the Judgment of the Trustee shall be subject to Review as herein-after provided.

Valuation of Claims by Creditors of a Company with a view to a Dividend on a Partner's Estate.

XXXIX. And be it enacted, That where the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or if elected to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and where such Application is made to the Sheriff Notice thereof shall be given to the Interim Factor (if he be elected), and if not elected to the Bankrupt and petitioning or concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appear and be heard thereon.

Contingent Creditors.

XL. And be it enacted, That no Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote or draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or if elected to the Trustee, to put a Value on such Annuity, and the Sheriff or Trustee (as the Case may be) shall put a Value on the Annuity, regard being had to the original Price given for the said Annuity, deducting therefrom such Diminution in the Value of the Annuity

Annuity to Creditor.

as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration ; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more : Provided always, that where such Application is made to the Sheriff Notice thereof shall be given to the Interim Factor (if elected), and if not elected to the Bankrupt and the petitioning or concurring Creditor ; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appear and be heard thereon.

Provision as to
Cautioners for
Annuities.

XL I. Provided always, and be it enacted, That where any Person is bound as Cautioner for Payment of such Annuity it shall not be lawful for the Creditor therein to sue or charge after the Date of the Sequestration such Cautioner ; and such Cautioner shall only be liable for the Value fixed as aforesaid, and the Arrears of Annuity ; and on such Cautioner making Payment of such Value and Arrears to the Creditor, and the lawful Interest thereon, he shall be discharged of all Liability for such Annuity, and he may thereupon enter a Claim in the Sequestration for the Sum so paid, and vote and draw Dividends thereon : Provided, that if such Cautioner shall not pay the Sum so fixed, and Arrears as aforesaid, before any Payment of the Annuity subsequent to the fixing thereof becomes due, he shall be bound to make Payment of the said Annuity, and all subsequent Annuities, until he shall make Payment of the Sum so fixed, Arrears of Annuity, and Interest as aforesaid, deducting always such Dividends as the Creditor shall have received before full Payment as aforesaid.

Claiming or
acting in the
Sequestration
not to discharge
Co-obligants.

XL II. And be it enacted, That where a Creditor has an Obligant bound to him along with the Bankrupt for the Whole or Part of the Debt, such Obligant shall not be freed from his Liability for such Debt in respect of any Vote given or Dividend drawn by the Creditor, or of his assenting to the Discharge of the Bankrupt or to any Composition, but such Obligant may require and obtain, at his own Expence, from such Creditor, an Assignment to the Debt, on Payment of the Amount thereof, and in virtue thereof enter a Claim on the said Estate, and vote and draw Dividends if otherwise lawfully entitled to do so.

Oaths not to
supersede legal
Evidence.

XL III. And be it enacted, That in no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence where required in any judicial Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

Rule as to
Majorities.

XL IV. And be it enacted, That all Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for ; and where for the Purpose of voting the Creditors are required to be counted in Number, no Creditor whose Debt is under Twenty Pounds shall be reckoned in Number, but his Debt shall be computed in Value.

Proceedings at
Meetings for
Election of In-
terim Factor or
Trustee.

XL V. And be it enacted, That Creditors, or their Mandatories qualified as aforesaid, shall assemble at the Times and Places fixed respectively for the Election of Interim Factor and for Election of the Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournments do not postpone the Meetings for the Election of Interim Factor and Trustee beyond the Limits of the Periods within which these Meetings are by this

Act

Act appointed to be held; and the Sheriff Clerk shall transmit or cause to be transmitted for Exhibition to the Meeting for the Election of Interim Factor the certified Copy of the Petition for Sequestration and Deliverances thereon; and if Two or more Creditors shall give Notice to the Sheriff or Sheriff Substitute of the County, such Sheriff or Sheriff Substitute (or in case of necessary Absence a Sheriff Substitute authorized by the Sheriff to act under this Act) shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Deputy shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants, subject to Exhibition thereof, in his Hands, till the Election shall be determined, when he shall deliver the same to the Interim Factor or Trustee (as the Case may be); and where the Sheriff or Sheriff Substitute is not present the Creditors shall elect a Preses, and (if the Sheriff Clerk or a Depute be not present) a Clerk, and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes, and the Clerk shall in the Presence of the Meeting write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting; and in either Case the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Interim Factor or to be Trustee (as the Case may be), or Two or more Trustees to act in succession in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Interim Factor and (as the Case may be) One Trustee for all the Estates, or separate Interim Factors or (as the Case may be) separate Trustees on the Estates of the Company, and on the Estates of all or each of the individual Partners, and Trustees in succession as aforesaid; and it shall not be lawful to elect as Interim Factor or Trustee the Bankrupt, or any Person conjunct and confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

XLVI. And be it enacted, That if the Sheriff or ordinary Sheriff Substitute be present at the Election either of Interim Factor or Trustee, and there be no Competition for the Office or Objections stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Interim Factor or Trustee; and if there be Competition or Objections to the Candidate or Candidates, any Objections shall be stated at the Meeting to the Votes or Candidates, the Sheriff or ordinary Sheriff Substitute may either forthwith decide thereon, or make Avizandum, and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within Four Days after the Meeting, hear Parties *viva voce*, and declare the

Where the Sheriff or his ordinary Substitute is present at Election.

Person to be Interim Factor, or (as the Case may be) the Person or Persons, Trustee or Trustees in succession, whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as the said short Note, shall form Part of the Process.

Where the Sheriff or ordinary Substitute is not present.

XLVII. Provided always, and be it enacted, That where the officiating Sheriff present at the said Meeting for the Election is a Sheriff Substitute appointed to act in the Absence of the Sheriff or of the ordinary Sheriff Substitute of the County, or where the Preses has been elected by the Creditors, such Substitute or Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff or ordinary Sheriff Substitute, and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession. or if he be not present shall be transmitted to the Sheriff Clerk by the Preses, to be retained by him till the Interim Factor or Trustee (as the Case may be) shall be finally appointed, when he shall deliver the same to such Interim Factor or Trustee; and if there be no Competition or Objection the Sheriff or ordinary Substitute shall declare the Person elected Interim Factor or (as the Case may be) Trustee or Trustees in succession; and if there be Competition or Objection, the Parties shall, within Four Days from the Date of the said Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff or ordinary Sheriff Substitute shall forthwith hear Parties thereon *vid voce*, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as the said short Notes, shall form Part of the Process; and the Deliverance of the Sheriff or Sheriff Substitute declaring the Person elected to be Interim Factor shall be final, and in no Case be subject to Review in any Court or in any Manner whatever.

Amount of Caution to be fixed, and Bond to be lodged.

XLVIII. And be it enacted, That the Creditors shall at the said Meetings respectively fix a Sum for which the Interim Factor shall find Security, and for which the Trustee to be confirmed shall also find Security, for their respective Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered by the respective Competitors; and the Interim Factor and the Person declared to be Trustee shall respectively forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Interim Factor and his Cautioner and by the Trustee and his Cautioner (as the Case may be), in the Form of the Schedule (D.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk.

On Bond being lodged, the Sheriff to confirm the Election, and Act and Warrant to be issued;

XLIX. And be it enacted, That on the Bond for the Interim Factor being lodged the Sheriff shall confirm his Election, which Confirmation shall be final and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant, in the Form of Schedule (E.) hereunto annexed, to the Interim Factor; and in the Event of the said Deliverance declaring the Election of Trustee becoming final by no Appeal being entered as herein-after provided, and in case of any such Appeal being entered, and the Competition or Objections being finally disposed of, and on a Bond being duly lodged as aforesaid, the Sheriff shall confirm the Election of the Person elected or

preferred as Trustee, which Confirmation shall be final and not subject to Review in any Court or in any Manner whatever; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (F.) hereunto annexed to the Trustee; and the Interim Factor or Trustee (as the Case may be) shall immediately transmit a Copy of the said Act and Warrant to the Bill Chamber Clerks, who shall make an Entry of the Name and Designation of the Interim Factor and of the Trustee (as the Case may be) in the Register of Sequestrations; and the said Act and Warrant shall be an effectual Title to the Interim Factor and Trustee respectively to perform the Duties hereby imposed on them, and shall be Evidence of the Trustee's Right and Title to the said Estates for the Purposes of this Act; and a Copy of the said Act and Warrant in favour of the Interim Factor or Trustee, certified by One of the Bill Chamber Clerks, and authenticated by the Seal of the Court of Session, shall be received in all Courts and Places within *England, Ireland*, and Her Majesty's other Dominions as Evidence of the Title, and shall entitle the Trustee or Interim Factor to recover any Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estates had not been sequestrated.

and to be a Title to the Interim Factor or Trustee.

L. And be it enacted, That in Case the Creditors shall fail to elect an Interim Factor, or the Nomination shall otherwise fail, the interim Care and Management of the Estate shall devolve on the Sheriff Clerk of the County; and the Sheriff shall have Power, upon Cause shown by any of the Creditors, at any Time after the Sequestration and before the Election of an Interim Factor, to seal up and cause to be put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Factor is named, or the Care of the Estate devolved on the Sheriff Clerk, subject to such Orders as the Sheriff may see fit for Preservation.

Sheriff Clerk to act if no Interim Factor elected. Power to Sheriff to seal up, &c.

LI. And be it enacted, That the Interim Factor shall immediately on receiving the Act and Warrant of his Appointment, or failing him the Sheriff Clerk, shall take such Steps as may be necessary for the Preservation of the Estate until the Meeting of the Creditors for the Election of Trustee, and he shall take possession of and recover the Bankrupt's Estate, and his Title Deeds, Books, Bills, Vouchers, and all other Documents whatsoever, so far as then known, and make an Inventory thereof, and he shall transmit a Copy of such Inventory to the Bill Chamber Clerks; and he shall lodge in Bank all Monies received by him as herein-after directed, and pay to the petitioning or concurring Creditor, out of the first Funds which shall come into his Hands, the Expence incurred by him in obtaining the Sequestration, and doing the other Acts hereby required prior to the Election of the Interim Factor, as the same shall be taxed; and if the Funds received by the Interim Factor or Sheriff Clerk shall not be sufficient such Expences shall be paid by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands.

Duties of Interim Factor.

To lodge Money in Bank, &c.

LII. And be it enacted, That the Bankrupt shall with all Despatch, and before the Time appointed for the Election of Trustee, make up and deliver to the Interim Factor (or Sheriff Clerk, as the Case may be,) a State of his Affairs, specifying his whole Estate

Bankrupt to make up a State of his Affairs, and give Information and Assistance.

wherever situated, the Estates in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Subjects, which State and Rental shall be subscribed by the Bankrupt, and preserved by the Interim Factor or Sheriff Clerk acting as Factor, and Abstracts thereof shall be ingrossed in a Sederunt Book to be kept by him; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Interim Factor or Sheriff Clerk acting as Factor, or the Trustee, to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery of the Estate, the Interim Factor or Sheriff Clerk acting as aforesaid, or Trustee, may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deed, under the Penalty of Incarceration and of Forfeiture of the Benefits of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Incarceration accordingly.

At Meeting to elect a Trustee, the Interim Factor to exhibit Documents and be remunerated.

LIII. And be it enacted, That at the Time and Place appointed for the said Meeting to elect a Trustee the Interim Factor (or Sheriff Clerk acting as Factor) shall exhibit the Sederunt Book containing the said Inventory, State, and Rental, and also an Account of his Intromissions and Disbursements, and, if required by any Creditor, the Books of the Bankrupt, with the Title Deeds, Bills, Vouchers, and other Documents, conform to Inventory; and if the Meeting be satisfied that the Interim Factor (or Sheriff Clerk acting as Factor) has duly lodged the Money and performed his Duties, they shall fix his Remuneration, and he shall receive Payment thereof, and of all Advances made by him, out of the Funds in his Hands; and if the Interim Factor (or Sheriff Clerk) be dissatisfied with the Sums allowed the same shall be determined by the Sheriff; but the Interim Factor (or Sheriff Clerk) shall not be entitled, in respect of Nonpayment thereof, or on any other Ground, to retain any Part of the Estate, and he shall be bound forthwith to deliver the Estate, Books, Title Deeds, Bills, Vouchers, and the said State, Rental, and all other Documents, to the Trustee, who shall (if sufficient Funds have not been realized by the Interim Factor or Sheriff Clerk) pay the said Remuneration and Advances out of the first Money which shall come into his Hands.

Appeal against Election of Trustees.

LIV. And be it enacted, That any Creditor or Competitor giving Notice in Writing to the Sheriff Clerk, within Two Days after the Date of the Sheriff's Deliverance declaring the Election of the Trustee, of his Intention to appeal against such Deliverance, shall be entitled to appeal during Session to the Inner House of the Court of Session, or in Vacation to the Lord Ordinary, provided that in the Case of Competition a Bond of Caution for the Competitor, signed by a Cautioner approved of at the said Meeting for Election of Trustee, shall, along with such Notice, be lodged with the Sheriff Clerk, and a Certificate thereof by the Sheriff Clerk, with a Note of Appeal against such Deliverance, be lodged with and marked by the Clerk of the Bill Chamber, within Fourteen Days from the Date of such Deliverance; and on a Copy of such Notice, certified by One of the Bill Chamber Clerks, being delivered to the Sheriff Clerk, he shall forthwith transmit to the Bill Chamber the Minutes of Election, together with such of the

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Proceedings as may be required, and the Inner House or the Lord Ordinary (as the Case may be) shall thereupon hear Parties *videlicet* and pronounce Judgment, and may order a new Election, and appoint a Time and Place for that Purpose; and if the appealing Competitor shall be preferred a Remit shall be made to the Sheriff to confirm him; and no Part of the Expence of such Competition either before the Sheriff Court or any other Court shall be paid out of the Estate, but the Expences shall be ordered to be paid by the unsuccessful Party to the successful Party.

Expence how to be paid.

Lv. And be it enacted, That no Appeal shall have the Effect to stop the Proceedings in the Sequestration, and the Interim Factor (or Sheriff Clerk, as the Case may be,) shall continue to act until a Trustee shall be finally confirmed; and on every new Election an Appeal may be made and other Proceedings take place in manner before provided; and the Interim Factor shall deliver to the Person confirmed Trustee the Estate of the Bankrupt, with the Books, Title Deeds, and other Documents in his Possession, and account to him for his Intromissions; and the Creditors may at any Meeting (which if required the Trustee shall call) make an Allowance to the Interim Factor (or Sheriff Clerk) for his Trouble during the Period of his Administration, subject to Review of the Sheriff as aforesaid; and the Trustee shall pay the Sum so allowed, and the Expences incurred by the Interim Factor or Sheriff Clerk, out of the first of the Funds.

Appeal not to stop Sequestration, and Interim Factor to continue to act.

Remuneration to Interim Factor.

Lvi. And be it enacted, That at the Meeting for Election of Trustee the Creditors present, or their Mandatories, shall after the Election of the Trustee elect Three Commissioners (if there be so many Creditors who have claimed) who shall be either Creditors or Mandatories of Creditors, and the same Proceedings shall take place in regard to their Election as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security); and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which shall entitle them to act without further Confirmation; and a Majority of them shall be a Quorum: Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee; and any Mandatory who has been elected a Commissioner shall lose that Office upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book; and the Trustee shall in all Cases where a Commissioner has declined to act, or resigned or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner herein-before provided.

Election of Commissioners.

Disqualification.

Lvii. And be it enacted, That the Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, examine the Acts and Intromissions of the Trustee, audit his Accounts, decide as to paying or postponing Payment of a Dividend, fix his Remuneration, and may assemble at any Time to ascertain the Situation of the Bankrupt Estate;

Duties of Commissioners.

Estate; and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Offer of Composition may be made at this Meeting.

Renewal of personal Protection.

LVIII. And be it enacted, That at the said Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, an Offer of Composition may be made to the Creditors in manner herein-after provided; and the Majority in Number and Value of the Creditors present at these Meetings, or at any other Meetings called for the Purpose, may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew the Protection; and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LIX. And be it enacted, That at the said Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, Four Fifths in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company (if the Sequestration be of a Company Estate), of such Sum out of the Estate as they shall think proper for Subsistence until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed Three Guineas *per* Week to the Bankrupt or to each individual Partner of a Company from the Date of the Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act.

Entry of Confirmation in Register of Adjudications.

LX. And be it enacted, That the Trustee, within Twenty-one Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (G. No. 1.) hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form also specified in the said Schedule (G. No. 2.), and the like Proceeding shall take place within Twenty-one Days after the Election of each new Trustee shall be confirmed.

Trustee's Duties.

LXI. And be it enacted, That the Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given he shall do so with the Advice of the Commissioners; and he, as well as the Interim Factor or Sheriff Clerk acting as Factor, shall lodge all Money which he may receive in such Bank as Four Fifths of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in one or other of the following Banks; *videlicet*, the Bank of *Scotland*, the Royal Bank of *Scotland*, the Bank of the *British Linen Company*, the Commercial Bank of *Scotland*, or the National Bank of *Scotland* (provided that the Bank be not one in which the Interim Factor or Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Interim Factor or Sheriff Clerk or Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured

Money to be lodged in Bank by him and Interim Factor.

cured for the same; and such Bank shall, once yearly at least, balance the said Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if the Bank fail to do so such Bank shall be liable to account as if such Money had been so accumulated.

LXII. And be it enacted, That if either the Interim Factor or Sheriff Clerk acting as Factor or the Trustee shall keep in his Hands more than Fifty Pounds of Money belonging to the Estate for more than Ten Days, he shall pay a Sum to the Creditors at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of the said Sum of Fifty Pounds for such Time as it shall be in his Hands beyond the said Ten Days; and unless the Money has been kept from innocent Causes, the Interim Factor or Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary by any Creditor, and be liable in Expences, and have no Claim to Remuneration.

LXIII. And be it enacted, That the Trustee shall keep a Sederunt Book in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate; and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Bill Chamber Clerks, before each of the Periods herein assigned for Payment of a Dividend, a Copy, certified by himself, of such Accounts, and such Copies shall be preserved in the Office of the said Clerk; and the said Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors, or their Agents, at all Times: Provided always, that where any Document is of a confidential Nature (such as the Opinion of Counsel in regard to any Matter affecting the Interests of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners, unless he be ordered by competent Authority to do so.

LXIV. And be it enacted, That the Interim Factor, Sheriff Clerk acting as Factor, Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the said Sheriff, although resident beyond the Territory of the said Sheriff, at the Instance of any Party interested, to account for their Intrusions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expences, to be either retained out of the Funds or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

LXV. And be it enacted, That the Trustee shall within Eight Days after the Date of Confirmation apply to the Sheriff to name a Day for the public Examination of the Bankrupt; and the Sheriff shall issue his Warrant for the Bankrupt to attend within the Sheriff Court House or other convenient Place on a specified Day and at a specified Hour (being not sooner than Fourteen Days nor later than Twenty-one Days from the Date of his Warrant); and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement in Terms of Schedule (H.) hereunto annexed in the *Edinburgh Gazette*, intimating to the Creditors his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed

Factor or Trustee retaining more than 50*l.* in hand to pay 20 per Cent. on Excess not lodged.

Trustee to keep a Sederunt Book and Accounts, and to send a Copy of the Accounts to the Bill Chamber Clerks.

Interim Factor, Sheriff Clerk, Trustee, and Commissioners amenable to the Lord Ordinary and Sheriff.

Sheriff to appoint Day to examine Bankrupt, and Meeting of Creditors to be published.

fixed for the Examination of the Bankrupt, and also a specified Day, (being not sooner than Fourteen Days nor later than Twenty-one Days after the Day appointed for the Examination of the Bankrupt, or in the Case of a deceased Debtor not sooner than Fourteen Days nor later than Twenty-one Days from the Date of the Trustees Confirmation,) and the Hour and Place, for holding a Meeting of the Creditors.

Warrant to
apprehend
Bankrupt for
Examination.

LXVI. And be it enacted, That it shall be competent for the Sheriff to grant Warrant to apprehend the Bankrupt and bring him before the Sheriff for Examination; and if the Bankrupt be incarcerated for a Debt or other Civil Obligation within *Scotland*, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary; which Warrants shall protect against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the said Sheriff, in *Scotland*, to Messengers at Arms, and to the Officers of the said Sheriff, to apprehend, transmit, detain, and incarcerate, and to Gaolers to deliver up, receive, and detain, the Bankrupt until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-incarceration therein; and if the Bankrupt cannot conveniently be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a Criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he shall see Cause, adjourn the Examination of the Bankrupt to an early Time to be then fixed, and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit; and the Examination may, at the Discretion of the Sheriff or the Commissioner, be upon Oath.

Warrant where
the Bankrupt is
in England or
Ireland.

LXVII. And be it enacted, That if the Bankrupt be in any Part of *Great Britain* and *Ireland* other than *Scotland*, the Lord Ordinary may, on Petition by the Trustee, grant Warrant under the Seal of the Court of Session to all Judges, Magistrates, Justices of the Peace, and Officers of the Law to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody the Lord Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Incarceration of the Bankrupt (where necessary for his safe Custody), and for his Re-transmission after Examination to and Re-incarceration in the Prison or Custody from which he was delivered up.

LXVIII. And

LXVIII. And be it enacted, That the Sheriff may at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others who can give Information relative to his Estate, either by Declaration or on Oath, as to the Sheriff shall seem fit, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear when duly summoned the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that where such Person is not the Bankrupt, nor his Wife nor one of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be issued until the Expiration of Eight Days from the Service of the first Warrant, unless the Trustee shall on Oath specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers at Arms, or the Officers of the said Sheriff, to execute the same either within or without the Territory of the Sheriff in *Scotland* as aforesaid; and if any Person liable to be examined as aforesaid cannot conveniently attend for Examination, the Sheriff may grant Permission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if seen fit, to an early Time, to be then fixed.

Other Persons may be examined, and if necessary apprehended.

LXIX. And be it enacted, That the Bankrupt and the said Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee: Provided that Persons, other than the Bankrupt, summoned to attend for Examination, shall be entitled to such Allowances as Witnesses are in other Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and other Persons must answer all lawful Questions, &c.

Parties entitled to Expences as Witnesses.

LXX. And be it enacted, That if the Bankrupt or any of the said Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order; which Warrant shall specify the Question and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person incarcerated may apply by written Petition (without Argument) to the Lord Ordinary for a Recall of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the said Creditor, and shall thereafter hear Parties *vidæ voce*, and pronounce Judgment.

Effect of Refusal to answer, &c.

LXXI. And be it enacted, That if any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Interim Factor or Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners,

Latent Partners must disclose themselves.

Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he satisfy the Lord Ordinary that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying, as far as possible, the Loss and Inconvenience thence arising.

Bankrupt may correct his State; and must then take the following Oath.

LXXII. And be it enacted, That the Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to the said State; and where the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case; and when he is by Law entitled to make an Affirmation in the place of an Oath, it shall be sufficient to take his solemn Affirmation upon the Matters contained in the said Oath, which shall be varied accordingly, and be engrossed and subscribed as aforesaid:

Oath.

‘ I DO, in the Presence of Almighty God, and as I shall answer
 ‘ to God at the great Day of Judgment, solemnly swear, That
 ‘ the State of my Affairs subscribed by me, as relative hereto,
 ‘ contains a full and true Account, to the best of my Knowledge
 ‘ and Belief, of all the Debts of whatever Nature due to me, and
 ‘ of all my Estate and Effects, Heritable and Moveable, Real and
 ‘ Personal, wherever situated (the necessary Wearing Apparel of
 ‘ myself, my Wife, and Family, only excepted), as well as of all
 ‘ Claims which I am entitled to make against any Person or
 ‘ Persons whatsoever, and of all Estate in Expectancy, or Means
 ‘ of whatever Kind to which I have an eventual Right, by Con-
 ‘ tract of Marriage, Trust Deed, Settlement, Deed of Entail, or
 ‘ otherwise; and that the said State likewise contains a full and
 ‘ true Account of all Debts due by me, or Demands upon me;
 ‘ and that I have delivered up the whole Books, Documents,
 ‘ Accounts, Title Deeds, and Papers of every Kind belonging to
 ‘ me which in any way relate to my Affairs, and which were or
 ‘ are in my Possession or under my Power; and that I have
 ‘ made a full Disclosure of every Particular relating to my Affairs:
 ‘ And further I promise and swear, That I will forthwith reveal
 ‘ all and every other Circumstance or Particular relative to my
 ‘ Affairs which may hereafter come to my Knowledge, and which
 ‘ may tend to increase or diminish the Estate in which my Credi-
 ‘ tors may be interested, directly or indirectly.

‘ So help me GOD.’

Trustee to prepare a Report, which shall be exhibited at a Meeting to be held after Bankrupt's Examination.

LXXIII. And be it enacted, That within Fourteen Days after the Examination of the Bankrupt the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what it may produce, which Report he shall exhibit at the Meeting of the Creditors to be held after the Examination of the Bankrupt, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive any Offer of Composition

as herein-after provided, and may, either at this or any other Meeting called for the Purpose, give Directions for the Recovery, Management, and Disposal of the Estate; and where any Part of the Estate consists of Land or other Heritable Subjects, it shall be optional to the Creditors to determine whether the Trustee is to bring the said Heritable Estate to Judicial Sale, or to dispose thereof by voluntary Public Sale.

LXXIV. And be it enacted, That the Trustee or any Commissioner may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting when required by One Fourth in Value of the Creditors ranked on the Estate.

Meetings may be called at any Time.

LXXV. And be it enacted, That wherever it is in this Act directed that a Meeting of Creditors shall or may be called or held, a Notice of the Day, Hour, Place, and Purpose of the Meeting shall be advertised in the *Edinburgh Gazette* Fourteen Days at least before the Day of the Meeting (except in the Case of the Meeting for the Election of Interim Factor); and such Meeting may be adjourned to the following Day.

Advertisements of Meetings.

LXXVI. And be it enacted, That it shall not in any Case be necessary to send any Notification, as is by this Act directed to be sent, by Post to any Creditor whose Debt shall be under Twenty Pounds, unless such Creditor shall have given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

To what Creditors Notices through the Post Office not to be sent.

LXXVII. And be it enacted, That a Majority in Number and Value of the Creditors present at any Meeting to be called by an Advertisement published in the *Edinburgh Gazette* at least Fourteen Days before such Meeting, specifying the Purpose of the Meeting, may remove the Trustee, or accept of his Resignation; and One Fourth of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order the said Petition to be served on the Trustee, and intimated in the *Edinburgh Gazette*; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months furth of *Scotland*, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the next Trustee in succession, or electing a new Trustee; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the *Edinburgh Gazette* by the Commissioner or Creditor so applying; and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee; and where the Estate is devolved on such Trustee the said Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him, and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as on the first Election of a Trustee; and in like Manner, in all Cases of a new Election of a Trustee, the Procedure shall take place in the same Way as is herein-

Removal or Resignation of Trustee.

herein-before provided for the Case of the first Election; and the succeeding or the new Trustee shall be vested with the Powers, and shall perform the Duties, and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs and Representatives.

Vesting of the
Moveable
Estate in the
Trustee.

LXXVIII. And be it enacted, That the Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, shall, by virtue of the Act and Warrant of Confirmation in favour of the Trustee, be transferred to and vested in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably as at the Date of the Sequestration, with all Right, Title, and Interest, to the same Effect as if actual Delivery or Possession had been obtained or Intimation made at that Date: subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible.

Vesting of the
Heritable
Estate in the
Trustee.

LXXIX. And be it enacted, That the whole Heritable Estates belonging to the Bankrupt in *Scotland* shall by virtue of the said Act and Warrant be transferred to and vested in the Trustee or any succeeding Trustee for Behoof foresaid, absolutely and irredeemably as at the Date of the Sequestration, with all Right, Title, and Interest to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poinding of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors Right to poind the Ground as herein-after provided: and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestered Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their Favour as complete Diligence); and if the Right to any Part of the Bankrupt's Heritable Estate be entailed or otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey or which the Creditors might validly attach.

Limitations and
Qualifications
of the Trustee's
Right.

LXXX. And be it enacted, That all Lands, Tenements, and Hereditaments in *England, Ireland*, or in any of Her Majesty's Dominions to which the Bankrupt is entitled, and all Interest to which he is entitled in any such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of *England, Ireland*, or other Her Majesty's Dominions, have disposed, and all such Lands, Tenements, and Hereditaments which he shall purchase, or which shall descend, be devised, revert to, or come to the Bankrupt before he shall have obtained his Discharge, and all Deeds, Papers, and Writings respecting the same, shall by virtue of the Act and Warrant of Confirmation vest in and belong to the Trustee for the Purposes of this Act as at the Date of the Sequestration:

Estates in Eng-
land, Ireland,
and other Bri-
tish Dominions.

tration: Provided that where according to the Laws of *England, Ireland*, or other Her Majesty's Dominions any Deed or Conveyance would require Registration, Enrolment, or Recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of *England, Ireland*, or other Her Majesty's Dominions; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or Recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or Recording thereof.

LXXXI. And be it enacted, That if any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or come to him, the same shall *ipso jure* fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee as at the Date of the Acquisition thereof or Succession for the Purposes of this Act; and the Trustee shall on coming to the Knowledge of the Fact present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation to be made in the *Edinburgh Gazette*, and require all concerned to appear within a certain Time for their Interest, and after the Expiration thereof, and no Cause shown to the contrary, the Lord Ordinary shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates; and the Proceeds thereof when sold shall be divided in Terms of this Act; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto: Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

LXXXII. And be it enacted, That the Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest accumulated at the said Date, and when it is dated within Year and Day of any effectual Adjudication the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided always, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Trustee.

LXXXIII. And be it enacted, That the Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Pounding; and no Arrestment or Pounding executed of the Funds or Effects of the Bankrupt on or after the Sixtieth Day prior to the Sequestration, or executed after the Date of the Sequestration, shall be effectual; and such Funds or Effects, or the Proceeds of such Effects if sold, shall be made forthcoming to the Trustee: Provided that the Arrester or Poinder, before the Date of the Se-

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

Sequestration equivalent to an Adjudication in Competition;

and to Arrestment and Pounding.

Diligence Sixty Days before Sequestration, or after it, ineffectual.

Expences of Diligence.

questration, who shall be thus deprived of the Benefit of his Diligence, shall have Preference out of such Funds or Effects for the Expence *bonâ fide* incurred by him in such Diligence.

Preferences in case of a deceased Debtor.

LXXXIV. And be it enacted, That where the Sequestration of the Estates of a deceased Debtor is dated within Seven Months after his Death, any Preference or Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than Sixty Days before his Death, and any Confirmation as Executor Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expedite, shall belong to the Trustee: Provided always, that the Creditor who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expences *bonâ fide* incurred by him in such Diligence or Confirmation.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

LXXXV. And be it enacted, That all Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration, and before his Discharge, out of or in relation to the Estate (unless with the Consent of the Interim Factor or Trustee), shall in the event of Sequestration being awarded be null and void; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expence *bonâ fide* incurred; but if a *bonâ fide* Purchaser is in Possession of Moveable Effects received from the Bankrupt after the Sequestration, and when ignorant thereof, for a Price paid or which he is ready to pay, he shall not be obliged to restore the Effects; and if a Debtor, when ignorant of the Sequestration, have paid his Debt *bonâ fide* to the Bankrupt, he shall not be obliged to pay it a second Time to the Trustee; and if the Possessor of any Bill or Promissory Note, with recourse on other Parties, which is payable by the Bankrupt, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Subjects improperly included in Sequestration may be struck out.

LXXXVI. And be it enacted, That any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary praying to have such Estate struck out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete feudal Titles, or grant such Rights as Bankrupt could

LXXXVII. And be it enacted, That the Bankrupt shall, if required, grant all Deeds necessary for recovering and feudally vesting his Estates in the Trustee for the Purposes of this Act; and if the Bankrupt's Title to any Estate has not been completed the Trustee may complete Titles in his own Person, whom failing,

in

in favour of any Trustee who may succeed him, for Behoof of the Creditors, or in the Person of the Bankrupt; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law; and the Trustee may, without making up a feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt reserving the Effect of such Inhibition in the Ranking.

LXXXVIII. And be it enacted, That where Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within Fourteen Days; and an Abbreviate of such Petition and Deliverance in Terms of the Schedule (B. No. 3.) being recorded in the Register of Inhibitions kept at *Edinburgh*, it shall have the Effect of an Inhibition, and the Keeper thereof shall write on the said Petition a Certificate in Terms of the said Schedule (B. No. 2.); and if on Expiration of that Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee as at the Date of the Sequestration, to the same Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall within Eight Days thereafter cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications in Terms of the Schedule (G. No. 3.) hereto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (G. No. 2).

LXXXIX. And be it enacted, That if the Creditors at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by public Sale or bring it to judicial Sale, and if such Resolution has been made before a Creditor holding a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee.

XC. And be it enacted, That if a public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners; and if the Estate be sold the Trustee, with Consent of the Commissioners, shall grant a Disposition to the Purchaser, which shall have the Effect of conveying whatever Right is in the Trustee, under Burden of the Securities preferable to the Right of the Trustee, but shall discharge the Estate of all Securities not preferable to the Right of

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

Decree to be recorded in the Register of Adjudications.

Circumstances in which Heritable Creditors not to interfere with Sale by Trustee.

Public Sale of Heritable Subjects. Effect on Securities.

the Trustee, and of all Diligence not completed at the Date of the Sequestration.

Heritable Creditor may allow Trustee to sell.

XCI. And be it enacted, That if a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of the said Creditor and the Commissioners, and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance it shall be consigned in the Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from all Securities preferable to that of the said consenting Creditor, in so far as the Debts in such Securities are satisfied by such Payment or Consignation, and also from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Heritable Creditor, with Power to sell, may sell.

XCII. And be it enacted, That a Creditor who holds an Heritable Security preferable to the Right of the Trustee, with a Power to sell, may sell in Terms of his Bond notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title; and the Trustee, or any posterior Heritable Creditor preferable to him, may, by Petition to the Lord Ordinary or to the Sheriff, compel the Creditor and the Purchaser to account for any Reversion of the Price.

Judicial Sale.

XCIII. And be it enacted, That if the Creditors assembled as aforesaid shall resolve on a judicial Sale, the Trustee shall institute such an Action, which may be carried on as to a Part or the Whole of the Estate, and without any other Proof of Bankruptcy than the Act of Sequestration; and every Heritable Creditor in Possession shall be cited upon Inducie of Fifteen Days, whether within *Scotland* or not, and it shall not be necessary to call any other Parties; and on the Estate being sold the Price, after satisfying any Securities preferable to the Right of the Trustee, shall be paid by the Purchaser to the Trustee, and the Purchaser shall upon Payment of the Price receive a Discharge from the Trustee, which, with the Decree of Sale, shall free and discharge the Estate in the same Way as a Decree of Sale in an Action of Ranking and Sale.

Disposal of Price.

Expences as against Heritable Creditors.

XCIV. And be it enacted, That no Part of the Expences of the Sequestration, nor of the Sale in any way of the Heritable Estate, nor of the Trustee's Commission, shall be payable out of such Part of the Price as may be necessary to discharge the Securities on the Heritable Estate preferable to the Right of the Trustee; and no Heritable Creditor, or Creditor preferable to the Trustee on the Heritable Estate, shall be liable for the Expence of the Sequestration or the Trustee's Commission, nor of such Sale, unless he shall have consented to the Sale, in which Case he shall be liable for the Expence of the Sale.

Heritable Creditor's Right to poid the Ground limited.

XCv. And be it enacted, That no Poiding of the Ground which has not been carried into execution by Sale of the Effects at least Sixty Days before the Date of the Sequestration, and no Decree of Mails and Duties on which a Charge has not been given

at

at least Sixty Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question with the Interim Factor or Trustee: Provided always, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Pounding of the Ground or obtaining a Decree of Maills and Duties after the Sequestration, but such Pounding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current Term, and for the Arrear of Interest for One Year immediately before the Commencement of such Term.

XCVI. And be it enacted, That nothing herein contained shall affect the Landlord's Right of Hypothec.

Landlord's Hypothec saved.

XCVII. And be it enacted, That the Lord Ordinary or Sheriff, on Cause shown, may order that for a Period not exceeding Three Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster General, or the Officers acting under him, to the Interim Factor or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within *Scotland*; and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

Interim Factor or Trustee may be authorized to receive and open Post Letters.

XCVIII. And be it enacted, That the Trustee may, with Consent of the Commissioners, compound and transact or refer to Arbitration any Questions which may arise in the Course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

Trustee and Commissioners may compound and transact.

XCIX. And be it enacted, That where any Estate is sold by virtue of this Act it shall be lawful for any Creditor to purchase the same, but the Interim Factor, Sheriff Clerk if acting as Factor, Trustee, or Commissioners shall not be entitled to purchase.

Creditors may purchase.

C. And be it enacted, That the whole Estate when reduced into Money shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests.

Realized Estate to be a Fund of Division.

CI. And be it enacted, That where there are sufficient Funds realized the First Dividend shall be payable on the first lawful Day after the Expiration of Eight Months from the Date of the Sequestration, and the Second Dividend shall be payable on the first lawful Day after the Expiration of Twelve Months from the said Date of the Sequestration, and a Dividend shall be payable on the first lawful Day after the Expiration of Four Months from the Date of the Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt be distributed, subject always to the Provisions herein-after made.

Times at which Dividends to be paid.

CII. And be it enacted, That to entitle any Creditor to Payment of the First Dividend he shall produce, as herein-before directed, his Oath and Grounds of Debt at least Two Months before the Time fixed for Payment of the First Dividend; and to entitle any Creditor to Payment of the Second Dividend he shall produce as aforesaid his Oath and Grounds of Debt at least Two Months before

Time within which Creditors to produce Oaths, &c. in order to receive Payment of Dividends.

before the Time fixed for Payment of the Second Dividend; and to entitle a Creditor to Payment of any of the subsequent Dividends he shall produce as aforesaid his Oath and Grounds of Debt at least Two Months before the Day fixed for Payment of the Dividend which he means to claim: Provided that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, he shall be entitled on Occasion of Payment of the Second Dividend to receive out of the first of the Fund (if there be sufficient for that Purpose) a Sum equal to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

First Dividend.

Trustee to make up and exhibit to Commissioners State of Funds, and Commissioners to resolve as to Payment of Dividend, &c.

CIII. And be it enacted, That immediately on the Expiration of Six Months from the Date of the Sequestration the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Funds outstanding (specifying the Cause why they have not been recovered), and of his Intromissions, and generally of his Management; and within Fourteen Days after the Expiration of the said Six Months the Commissioners shall meet and examine the said State, and ascertain whether the Trustee has lodged the Monies recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so lodged, and so after that Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify by a Writing under their Hands engrossed in the Sederunt Book the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said Six Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Expences, shall be divided among the Creditors.

Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend;

CIV. And be it enacted, That if a Dividend is to be made the Trustee shall also within the said Fourteen Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof; and in case he shall reject any Claim he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

and to publish and send Notices of Payment of Dividend.

CV. And be it enacted, That the Trustee shall give Notice in the *Edinburgh Gazette* published next after Expiration of the said Fourteen Days of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the first lawful Day after the said Fourteen Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and where he has rejected any Claim he shall notify the same to the Claimant by Letter

Letter as aforesaid, which shall also contain a Copy of his Deliverance, and specify the Amount of the Claim and the Dividend to which the rejected Claimant would be entitled if not rejected, or as near to the Amount thereof as Circumstances will permit; and a Certificate by the Trustee, or an Execution by a Messenger or Sheriff Officer, that such Letters have been put into the Post Office, shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of Thirty Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

Creditors may appeal within a limited Period.

CVI. And be it enacted, That the Trustee shall, before the Expiration of Eight Months from the Date of the Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have appealed against his Decision, and which Scheme shall be patent to all concerned.

Trustee to make up a Scheme of Division.

CVII. And be it enacted, That on the said first lawful Day after Expiration of Eight Months from the Date of Sequestration, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends esseiring to contingent Creditors or other Claimants not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment in one of the said Banks in a separate Account, or if the Money be deposited in Bank he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of, or the Dividends are payable.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

CVIII. And be it enacted, That on the Expiration of Ten Months from the Date of Sequestration the Trustee shall again make up a State as herein-before provided, which he shall within Fourteen Days after the Expiration of the said Ten Months exhibit to the Commissioners, who shall meet and adjust the State, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid if there shall be Funds to pay the same; and if the Commissioners shall direct a Dividend to be paid the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided for the First Dividend.

Second Dividend.

Trustee to make up State, &c., and Commissioners to resolve as in case of First Dividend.

CIX. And be it enacted, That on the said first lawful Day after the Expiration of Twelve Months from the Date of Sequestration the Trustee shall make Payment of the Second Dividend to those

Dividend to be paid.

Creditors who are entitled to and shall lodge the Dividends disputed or not then payable, all as herein-before provided for the First Dividend.

*Subsequent
Dividends.*

Procedure
as in prior
Dividends.

CX. And be it enacted, That the like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter in order that a Dividend may be made on the first lawful Day after the Expiration of every Four Months from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Proceedings
when Commis-
sioners postpone
the Dividend.

CXI. And be it enacted, That if it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next *Edinburgh Gazette*; provided that notwithstanding such Postponement the State of the Funds shall be made up, and the Accounts of the Trustee audited, at the Time and in the Manner before directed, and Circulars containing a Copy or Abstract of the said State shall be sent by Post to the Creditors, unless the Commissioners shall otherwise direct.

Winding up
of Estate.

CXII. And be it enacted, That if on the Lapse of Twelve Months from the Date of Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the *Edinburgh Gazette*, shall, Fourteen Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estate and Effects and a List of the outstanding Debts and of the consigned Dividends; and if Three Fourths of the Creditors in Value assembled at the Meeting shall decide in favour of a Sale in Whole or in Lots, the Trustee shall cause the same to be sold by Auction, after Notice thereof published at least once in the *Edinburgh Gazette* One Month previous to the Sale, and in such other Newspapers as the Creditors at the Meeting shall appoint.

*Discharge of
Bankrupt on
Composition.*

Offer may be
made at the
Meeting for
Election of
Trustee.

CXIII. And be it enacted, That at the Meeting for Election of Trustee the Bankrupt or his Friends, or in case of his Decease his Successors, [and in case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and Nine Tenths in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the *Edinburgh Gazette* a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which and the Place where the said Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract
of

of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of the said Offer and Security.

CXIV. And be it enacted, That if at the Meeting held after the Examination of the Bankrupt a Majority in Number and Nine Tenths in Value of the Creditors there assembled shall accept the said Offer and Security, a Bond of Caution for Payment of the Composition executed by the Bankrupt, or his Successors (as the Case may be), and the proposed Cautioner, shall be forthwith lodged in the Hands of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and Nine Tenths in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof; provided that he shall hear any Objection by opposing Creditors; and if he shall refuse to sustain the Offer or reject the Vote of any Creditor he shall specify the Grounds of Refusal or Rejection.

CXV. And be it enacted, That in like Manner at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt or his Friends, or in case of his Decease his Successors, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and Four Fifths in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting, to be held at a specified Hour on a specified Day, being not less than Twenty-one Days thereafter, and at a specified Place, and shall, Fourteen Days at least before such other Meeting, advertise a Notice of the same in the *Edinburgh Gazette*, and send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letters shall contain a Notice of such Resolution, and of the Hour, Day, and Place and Purpose of the Meeting, and specify the Offer and the Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of the said Offer; and if at the Meeting so called a Majority in Number and Four Fifths in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged, and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

CXVI. And be it enacted, That on such Deliverance being pronounced approving of the Composition in either of the Cases above specified, the Bankrupt shall make a Declaration, or if required by the Trustee or any Creditor an Oath before the Lord Ordinary or the Sheriff, (as the Case may be,) that he has made a full

Offer, if entertained, to be disposed of at the Meeting after the Bankrupt's Examination.

Lord Ordinary or Sheriff to approve.

Offer on Composition may also be made at Meeting after Bankrupt's Examination.

Bankrupt, on making Declaration or Oath, to obtain his Discharge.

a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any Secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to the said Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with the said Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when the said Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of the said Deliverance, signed by the Sheriff Clerk, shall forthwith be transmitted to the Clerk of the Bill Chamber, who shall present the same to the Lord Ordinary, and the Lord Ordinary shall confirm the same; and the said Deliverance of the Lord Ordinary and the Deliverance of the Sheriff, when confirmed as aforesaid, shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within *Great Britain and Ireland* and Her Majesty's other Dominions; and an Entry thereof shall be made by the Bill Chamber Clerk in the Register of Sequestrations.

Trustees Accounts to be audited before the Composition be approved of.

CXVII. And be it enacted, Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expence attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before the said Deliverance is pronounced.

Sequestration to go on notwithstanding Offer of Composition.

CXVIII. And be it enacted, That notwithstanding such Offer of Composition and Proceedings consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty, as if no such Offer had been made, until the said Deliverance by the Lord Ordinary be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonerated and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intrusions and other Acts as Trustee.

Trustee held liable to account.

Bankrupt and Cautioner not to be entitled to object to Claims, &c.

CXIX. And be it enacted, That neither the Bankrupt nor the Cautioner for the Composition shall be entitled to object to any Debt which the Bankrupt has given up in the State of his Affairs as due by him, or admitted without Question to be reckoned in the Acceptance of the said Offer of Composition, nor to object

to any Security held by any Creditor, unless in the Offer of Composition such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

CXX. And be it enacted, That no Person who has not produced an Oath as a Creditor before the Date of the said Deliverance approving of the Composition shall be entitled to make any Demand against the Cautioner after the Space of Two Years from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

Claims against Cautioner limited in certain Cases to Two Years.

CXXI. And be it enacted, That if an Offer of Composition have been made and rejected or have become ineffectual, no other Offer of Composition shall be entertained unless Nine Tenths in Number and Value of all the Creditors ranked on the Estate shall assent in Writing to such Offer; which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and Nine Tenths in Value of the Creditors present shall accept the said Offer and Security, and the same shall be assented to by Nine Tenths in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged, and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect, in the same Manner as is herein-before provided for other Offers of Composition.

If Offer of Composition rejected no other to be entertained unless Nine Tenths of Creditors ranked shall agree.

CXXII. And be it enacted, That the Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Eight Months from the Date of the Sequestration, provided a Majority in Number and Four Fifths in Value of the Creditors who have produced Oaths concur in the Petition; and the Lord Ordinary or the Sheriff (as the Case may be) shall in either Case order the Petition to be intimated in the *Edinburgh Gazette*; and if at the Distance of not less than Twenty-one Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, there be no Appearance to oppose the same, the Lord Ordinary or the Sheriff (as the Case may be) shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors, or by the Trustee, the Lord Ordinary or the Sheriff (as the Case may be) shall judge of any Objections against granting the Discharge, and either find the Bankrupt entitled to the Discharge, or refuse the same, or annex such Conditions thereto as the Justice of the Case may require.

Discharge without Composition.

Proceedings for this Purpose.

CXXIII. And be it enacted, That if the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the

Bankrupt to make a Declaration or Oath before obtaining Discharge.

Con-

Concurrence of any Creditor to his Discharge; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with the said Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration; and when the said Deliverance discharging the Bankrupt is pronounced by the Sheriff an Extract thereof signed by the Sheriff Clerk shall forthwith be transmitted to the Clerks of the Bill Chamber, who shall present the same to the Lord Ordinary, and the Lord Ordinary shall confirm the same by a Deliverance; and the said Deliverance by the Lord Ordinary or the said Deliverance by the Sheriff, when confirmed as aforesaid, shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive effect within *Great Britain and Ireland* and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Bill Chamber Clerks in the Register of Sequestrations.

Preferences,
Payments, and
collusive Agree-
ments for Dis-
charge.

CXXIV. And be it enacted, That all Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge, either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee Double the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expences of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed it shall be competent to any Creditor who shall not have received full Payment of his Debt to raise a Multiplepoinding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration, or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security or Amount of the Sum paid or Consideration obtained being ascertained, double such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepoinding, according

ording to their respective Rights and Interests; and the Multiplepoinding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the *Edinburgh Gazette*; and in the event that there shall be any Surplus, after paying the full Debts of the Creditors, and defraying the Expences of the Sequestration or other Proceeding, the same shall be paid into the Account of unclaimed Dividends as herein-after provided.

CXXV. And be it enacted, That if the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act, and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee or any One or more of the Creditors may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

CXXVI. And be it enacted, That if it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may direct a Meeting to be called for taking the Subject into consideration, on Fourteen Days Notice; and the said Meeting, if they see Cause, may authorize the Trustee to proceed against him in Terms of Law at the Expence of the Estate.

CXXVII. And be it enacted, That it shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within Fourteen Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within Thirty Days from the Date of the said Deliverance (except in the Case of Dividends as herein-before specified); and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties *vidæ voce*, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without

Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

Proceedings if Bankrupt do not make a fair Surrender.

Judicial Proceedings.

Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.

without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held in order to reconsider the Resolution.

Review of Sheriff's Judgments.

CXXXVIII. And be it enacted, That it shall be competent to bring under the Review of the Inner House of the Court of Session any Deliverance of the Sheriff, (except where the same is declared not to be subject to Review,) provided a Note of Appeal shall be lodged with and marked by One of the Bill Chamber Clerks within Twenty-one Days from the Date of such Deliverance, (except in the Case of Appeals against a Deliverance declaring the Election of a Trustee, which shall be lodged as herein-before provided,) failing which the same shall be final; and such Reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow; and if it be lodged in Time of Vacation the Lord Ordinary may hear Parties and give Judgment, subject to Review of the Inner House; and it shall be competent for the Inner House or the Lord Ordinary to remit to the Sheriff with Instructions.

Review of Lord Ordinary's Judgments.

CXXXIX. And be it enacted, That where any Judgment of the Lord Ordinary is intended to be brought under Review of the Inner House the same shall be done by a Reclaiming Note in common Form.

Regulation by Sheriff of interim Possession.

CXXX. And be it enacted, That during the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the interim Possession and Administration of the Estate.

Appeals to House of Lords.

CXXXI. And be it enacted, That if any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the interim Possession and Management of the Estate, and which Orders shall not be subject to Appeal.

Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

CXXXII. And be it enacted, That it shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff, provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Courts.

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Bill Chamber Clerk.

CXXXIII. And be it enacted, That each Trustee shall on the Thirty-first Day of *October* if a lawful Day, or on the first lawful Day thereafter, yearly deliver free of Expence to the Sheriff Clerk of the County a Return in the Form of the Schedule marked (I.) hereunto annexed of every Sequestration in which he is Trustee, and the Sheriff Clerk shall within Fourteen Days thereafter transmit in the Form of the said Schedule, to the Bill Chamber Clerks, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Bill Chamber Clerks shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto ramed by the said

Clerks, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

CXXXIV. And be it enacted, That after a final Division of the Funds the Trustee shall call a Meeting of the Creditors by an Advertisement in the *Edinburgh Gazette*, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge; and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a List of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee; and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and when the said Decree is pronounced by the Sheriff an Extract thereof signed by the Sheriff Clerk shall forthwith be transmitted to the Bill Chamber Clerks who shall present the same, without Enrolment, to the Lord Ordinary, who shall confirm the same by a Deliverance; and such Decree, when so confirmed, shall be entered in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

CXXXV. And be it enacted, That every Trustee in any Sequestration awarded under this Act shall, before his Discharge, transmit the Sederunt Book to the Bill Chamber Clerks, who shall thereupon intimate to the Trustee the Bank in which the unclaimed Dividends are to be deposited, and they shall name the Banks in the following Rotation; *videlicet*, the Bank of *Scotland*, the Royal Bank of *Scotland*, the Bank of the *British* Linen Company of *Scotland*, the Commercial Bank of *Scotland*, and the National Bank of *Scotland*; and the Trustee shall forthwith transfer the whole Dividends not then claimed to the Bank so intimated, to be there entered in an Account to be kept under the Title of "Account of unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Bill Chamber Clerks, to be entitled "Register of unclaimed Dividends," showing such Rotation, and containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons; and after the Discharge of the Trustee it shall be competent for any Person producing Evidence of his Right to apply to the Lord Ordinary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right a Warrant shall be granted for Payment of such Dividend, whereof the Clerks shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same; provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of Twenty-five Years from the

Date

Trustee's Discharge.

Proceedings for this Purpose.

All Trustees to lodge unclaimed Dividends, &c. in Bank.

Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends.

Interest Account of unclaimed Dividends.

Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expence of Proceedings in Bankruptcy, or otherwise as Parliament shall hereafter direct; and the said Banks shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so such Bank shall be liable to account as if such Money had been so accumulated.

Surplus to be paid to Bankrupt.

CXXXVI. And be it enacted, That any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

Punishment of wilful Falsehood.

CXXXVII. And be it enacted, That if any Person shall be guilty of wilful Falsehood in any Oath or Affirmation made in pursuance of this Act, he shall be liable to a Prosecution either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee with the Concurrence of Her Majesty's Advocate, provided that in the latter Case the Prosecution shall be authorized by a Majority in Value of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to the Trustee, for Behoof of the Creditors, his whole Right, Claim, and Interest in or upon the sequestered Estate; and the same shall be distributed either under the Sequestration, or if it be closed, under a Process of Multipointing as is herein-before provided.

Deliverances, &c. Service of Citations.

CXXXVIII. And be it enacted, That all Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be by a competent Officer without Witnesses.

Fees payable.

CXXXIX. And be it enacted, That in place of the whole other Fees heretofore exigible upon Proceedings in Sequestrations there shall be payable the Fees which are set forth in the Schedule marked (K.) hereunto annexed, and which shall form a Fund which shall be applied in the Payment of the Salaries and Expences of Officers in the Court in which the same are payable, and of any Compensations allowed by this Act, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall direct.

Fees payable and additional Allowance to the Bill Chamber Clerks.

CXL. And be it enacted, That the Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid at the Rate of Sixpence for each Page of One hundred and fifty Words, without any further Charge for Stationery; provided that the Person or Persons discharging the Duties of Clerk in the Bill Chamber under this Act shall be entitled to an Addition to his or their present Salaries, the Amount whereof, payable out of the said Fee, shall not exceed in all One hundred Pounds *per Annum*, and shall be settled and apportioned by

by the said Commissioners of Her Majesty's Treasury, and shall be paid to the Clerk or Clerks discharging the said Duties.

CXLI. And be it enacted, That it shall be lawful for any Clerk or Officer of the Court of Session, entitled to Compensation for Loss to be suffered through the Operation or Effect of this Act, to make Application to the said Commissioners of Her Majesty's Treasury for Compensation, giving at the same Time Notice of such Application to Her Majesty's Advocate for *Scotland*; and it shall be lawful for the said Commissioners of the Treasury to investigate such Claim, and call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their Satisfaction the said Commissioners, or any Three of them, are hereby authorized and empowered to award to such Person such Compensation as they shall, under all the Circumstances of the Case, and having reference to the Nature of the Appointment and the Duration of the Service, think him entitled to, either by the Payment of a gross Sum or by way of Annuity, as they shall think proper: Provided always, that a Copy of every such Award for Compensation shall be laid before both Houses of Parliament within Thirty Days from the Day on which the same shall be granted, if Parliament shall then be sitting, and if not then within Thirty Days after the then next Sitting of Parliament; and no such Award shall be final and conclusive until Two Calendar Months after the same shall have been so laid before Parliament; provided also, that it shall be a Condition of every such Grant, that the Compensation so granted, in the event of the Appointment thereafter of any of the said Persons to any Office of Profit or Emolument under the Crown, shall abate or wholly cease during the Period in which such Person shall hold such Office, so as that the Compensation and Emolument thereof, taken together, shall not exceed the Emoluments of the Office in respect of which the Compensation had been granted.

Compensation.

CXLII. And be it enacted, That the several Compensations which may be awarded under the Authority of this Act shall be payable and paid out of the Monies which by the Acts of the Seventh and Tenth Years of the Reign of Her Majesty Queen *Anne* were made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, or Exchequer in *Scotland*.

Compensation how to be paid.

CXLIII. And be it enacted, That from and after the Commencement of this Act the Keeper of the *Edinburgh Gazette* shall on each Day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of Sixpence and no more.

Gazette Keeper to furnish Copies of Gazette.

CXLIV. And be it enacted, That no Advertisement inserted in the *London Gazette* or in the *Edinburgh Gazette* by virtue of this Act, or the said recited Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering the Payment of Creditors more equal and expeditious in Scotland*, or an Act of the Sixth and Seventh Year of His late Majesty, intituled *An Act for regulating the Process of Cessio bonorum in the Court of Session, and for extending the Jurisdiction*

Charges on Advertisements under this Act and 54 G. 3. c. 137. and 6 & 7 W. 4. c. 56. regulated.

of *Sheriffs in Scotland to such Cases*, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such Publication, than the Sums specified in the Schedule (L.) hereunto annexed.

Conveyances, Deeds, &c. relating to Estates of Bankrupts, Notices, or Gazette Advertisements not liable to Stamp or other Duties.

CXLV. And be it enacted, That from and after the Commencement of this Act all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt for the Benefit of his Creditors, or the Trustee appointed or chosen under or by virtue of such Sequestration, and all Discharges to the said Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting the said Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever relating solely to the Estate of any Bankrupt sequestrated as aforesaid, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, and all Notices of Advertisements inserted in the *London* and *Edinburgh* Gazettes relative thereto, shall be exempt from all Stamp Duties or other Government Duty, and no Rates or Duties imposed by any Statutes upon the Sale of Estates or Effects by Auction shall be exigible on the Sale of any Estates or Effects by Auction under the Authority of this Act: Provided always, that no Exemption from Auction Duty shall be allowed on the Sale by Auction under this Act of any Estate and Effects, unless the Auctioneer who shall conduct such Sale shall, at the Time of passing his Account thereof, produce to the Officer of Excise a Catalogue, signed and certified by the Trustee by whose Order such Sale shall have been made, in Manner and Form required by the Laws of the Excise.

Sales by Auction not liable to Duty.

Acts of Sederunt may be made.

CXLVI. And be it enacted, That it shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting the Proceedings, and to amend or alter such Act or Acts from Time to Time; and the said Act or Acts of Sederunt shall within One Month after the making thereof be transmitted by the Lord President of the Court of Session to the Secretary of State for the Home Department, that the same may be laid before both Houses of Parliament.

Act may be amended, &c.

CXLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES referred to in this Act.
SCHEDULE (A.)

REGISTER OF SEQUESTRATIONS.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of petitioning or concurring Creditor.	Division of the Court.	Date of First Delivery.	Date of awarding. (If recalled, Entry to be in this Column.)	Date of Transmission to Sheriff, and of Receipt by Sheriff Clerk.	Time and Place for electing Interim Factor.	Interim Factor's Name and Designation.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Commissioners Names and Designation.	Time for lodging Claims for Dividend.	Bankrupt's Discharge on or without Commission or without position.	Date of Trustee's Discharge.
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SCHEDULE (B.)

No. 1.

Abbreviate for the Register of Inhibitions.

PETITION for Sequestration of *A.B.* [*Name and Designation*].
Date of First Deliverance Day of
(Signed) *C.D.* [*If an Agent, state so.*]

No. 2.

Certificate by the Keeper.

Edinburgh [*Date*].

THIS Petition was presented by [*name and design the Presenter*] on the [*Date*], and recorded on [*Date*] in the Register of Inhibitions.

(Signed) *E.F.*, Keeper.

No. 3.

Abbreviate.

PETITION for transferring, in Terms of [*specify Title and Date of this Act*], from *A.B.* [*Name and Designation*], as Heir of *C.D.* [*Name and Designation*], the Estates of *C.D.*, [*Date of Deliverance*]
Day of
(Signed) *E.F.* [*If an Agent, state so.*]

SCHEDULE (C.)

Notice to the Gazettes.

THE Estates of *A.B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*].

The First Deliverance is dated the [*Date*].

The Meeting to elect Interim Factor is to be held at [*Hour*] o'Clock on [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]; and the Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the first Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the Edinburgh Gazette alone.

(Signed) *P.Q.*, Agent [*specify Place of Business.*]

SCHEDULE (D.)

Form of Bond of Caution for an Interim Factor or Trustee.

I *A.B.* [*Name and Designation*], having been appointed Trustee [*or Interim Factor*] on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves,

ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee [*or Interim Factor*], and fully account for my whole Intrusions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted: And declaring further, that this Bond, so far as concerns me the said E.F., shall not bind me or my foresaids to a greater Extent than the Sum of [here insert Sum in Writing], to which my Obligation before written is hereby limited.*] In witness whereof this Bond (so far as not printed), written and filled up by [*here shall be inserted in Writing attesting Clause in legal Form*].

O.T., Witness.

L.F., Witness.

(Signed) *A.B.*

E.F.

SCHEDULE (E.)

Act and Warrant to the Interim Factor.

[*Place and Date.*]

THE Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Interim Factor on the Estates of *C.D.* [*Name and Designation*], and the said *C.D.* is hereby invested with all the Powers conferred on Interim Factors by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*].
[*Signed by Sheriff Clerk.*]

SCHEDULE (F.)

Act and Warrant of Confirmation to the Trustee.

[*Place and Date.*]

THE Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*], Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for behoof of the Creditors of the said *C.D.*, in Terms of an Act of the Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*]; and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

SCHEDULE (G.)

No. 1.

Abbreviate of Adjudication.

THE whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *C.D.* [*Name and Designation*], are transferred and belong to *A.B.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the _____ Day of _____, issued in Terms of an Act of the _____ Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*].

[*Signed by the Trustee or his Agent.*]

No. 2.

Certificate by the Keeper.

THIS Abbreviate was presented by [*Name and Designation*] on the _____ Day of _____ and recorded on [*Date*] in the Register of Abbreviates and Adjudications.
(Signed) _____ *E.F.*, Keeper.

No. 3.

Abbreviate of Adjudication.

THE Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the _____ Day of _____ and in Terms of an Act of the _____ Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title*].

[*Signed by the Trustee or his Agent.*]

SCHEDULE (H.)

*For the Gazette.*Sequestration of *C.D.* [*Designation.*]

A.B. [*Name and Designation*], has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour.*] The Creditors will meet in [*specify the Place, Day, Date, and Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*][*Date.*]

SCHEDULE (I.)
ANNUAL RETURN by each TRUSTEE on the Thirty-first Day of October, and by each SHERIFF CLERK within Fourteen Days thereafter.

Name and Designation of Bankrupt.	County and Place.	Name and Designation of Interim Factor.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designations of Contributors.	Dividend Amount paid or unpaid.	AMOUNT OF EXPENCES. Trustee's Commission. Law Expenses. Miscellaneous.	

*Signed by Trustee
 and by
 Sheriff Clerk.*

SCHEDULE (K.)

Table of Fees payable under this Act.

I.—IN THE COURT OF SESSION.

	£	s.	d.
(1.) To the Collector of the Fee Fund :			
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each	0	2	6
(2.) To the Keeper of the General Minute Book :			
For entering the first Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each	0	2	6
For entering any other Deliverance or Intimation	0	1	0
(3.) To the Extractors :			
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet	0	1	0

II.—TO THE KEEPERS OF THE RECORDS.

For entering any Schedule	0	1	0
For entering on the Margin of any Record the Recall of Sequestration or Discharge in favour of the Bankrupt	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of One Shilling for each Year of the Record inspected, but not exceeding in all for any One Record	0	10	0
For Extracts or certified Copies therefrom, per Sheet	0	1	0
For collating and certifying Excerpts therefrom, per Sheet	0	0	6

III.—SHERIFF COURT.

(1.) To the Sheriff Clerk :			
On every Deliverance pronounced by the Sheriff, declaring the Election of an Interim Factor or a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals	0	1	0
For every Transmission to or by him of the Proceedings	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate)	0	0	6
For entering the Name and Designation of the Interim Factor in the Register	0	0	6
For entering the Name and Designation of the Trustee and Commissioner in the Register	0	0	6

For issuing, receiving back, and examining Bond of Caution for an Interim Factor or Trustee, to be paid at the issuing of Bond - - - - -	£ s. d.
For Oath of the Bankrupt, and Examinations of him or others, per Sheet - - - - -	0 2 6
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination - - - - -	0 1 0
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet - - - - -	0 2 6
For every Annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee - - - - -	0 1 0
For every borrowing of all or any Part of the Proceedings - - - - -	0 0 6
(2.) To the Sheriff: Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day - - - - -	1 1 0

SCHEDULE (L.)

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C A P. XLII.

An Act to improve Prisons and Prison Discipline in *Scotland*.
[17th August 1839.]

WHEREAS an Act of the *Scottish* Parliament was passed in the Year One thousand four hundred and eighty-seven, intituled *Of the Keeping of arrested Trespassours*: And whereas another Act of the *Scottish* Parliament was passed in the Year One thousand five hundred and ninety-seven, intituled *Prison Houses suld be bigged within all Burrowes*, whereby it is statute and ordained, that there should be a sufficient Prison made in every Royal Burgh within the Realm, and supported out of the Common Good of the Burgh, or otherwise at the Expence of the Burgh, for the sure Keeping of all Transgressors, as well Civil as Criminal, who should be presented by the Sheriff of the Shire or Stewarts and Bailies of Regality within which the Burghs are situate, as also all other Persons presented to Ward by the Magistrates Authority within Burgh: And whereas another Act of the *Scottish*

1487, c. 101.

1597, c. 277.

- 1617, c. 8. ' *Scottish Parliament* was passed in the Year One thousand six hundred and seventeen, intituled *Anent the Justices for keeping of the King's Majesty's Peace, and their Constables*: And whereas
- 1696, c. 32. ' another Act of the *Scottish Parliament* was passed in the Year One thousand six hundred and ninety-six, intituled *An Act anent the Alimant of poor Prisoners*: And whereas an Act was passed
- 11 G. 1. c. 26. ' in the Eleventh Year of the Reign of His Majesty King *George the Second*, intituled *An Act for more effectual disarming the Highlands, and for the better securing the Peace and Quiet of that Part of the Kingdom*, whereby the Assessment, Collection, and Management of the Money termed the Rogue Money is authorized in the several Shires and Stewartries for defraying the Charges of apprehending of Criminals, subsisting them in Prison until Prosecution, and of prosecuting such Criminals for their several Offences by due Course of Law: And whereas an Act
- 20 G. 2. c. 43. ' was passed in the Twentieth Year of the Reign of His Majesty King *George the Second*, intituled *An Act for taking away and abolishing the Heritable Jurisdictions in that Part of Great Britain called Scotland*, and for other Purposes therein mentioned, whereby certain Regulations were made relative to Prisons used by Barons or Heritors of Lands having Criminal Jurisdiction not thereby taken away: And whereas an Act was passed in the Fifty-ninth
- 59 G. 3. c. 61. ' Year of the Reign of His Majesty King *George the Third*, intituled *An Act to enable Counties and Stewartries in Scotland and to give Aid to Royal Burghs situated therein, for the Purpose of improving, enlarging, or rebuilding their Gaols, or to improve, enlarge, or rebuild Common Gaols of Counties or Stewartries which are not the Gaols of Royal Burghs*: And whereas an Act
- 6 G. 4. c. 62. ' was passed in the Sixth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to amend an Act of the Scottish Parliament relative to the Alimant of poor Prisoners*:
- 10 G. 4. c. 54. ' And whereas another Act was passed in the Tenth Year of the Reign of His said Majesty, intituled *An Act for directing Reports to be made respecting Gaols in Scotland*; and in conformity to the Provisions of the said Act certain Reports have been made, which have been laid before Parliament: And whereas various Local Acts have also from Time to Time been passed, whereby and by virtue of the before-recited Act of the Fifty-ninth Year of the Reign of His Majesty King *George the Third* Assessments have been authorized to be levied in various Burghs, and also in various Counties in aid of the Burghs situated therein, for the building and Management of Prisons, Bridewells, and other Places of Confinement, and the Maintenance of Prisoners, and the Expences of obtaining such Local Acts: And whereas His late Majesty King *William the Fourth*, by His Royal Commission dated the Fifteenth Day of *July* One thousand eight hundred and thirty-three, directed Letters Patent to be forthwith made and passed under the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, authorizing and appointing certain Commissioners to make a general Inquiry into the State and Condition of the several Cities, Burghs, and Towns of *Scotland*; and the said Commissioners have presented a Report dated the Fifth Day of *August* One thousand eight hundred and thirty-five, wherein they report,

‘ amongst other things, as to the Management of Gaols, which
 ‘ Report has been laid before Parliament: And whereas by an Act
 ‘ passed in the Fifth and Sixth Years of the Reign of His said late
 ‘ Majesty, intituled *An Act for effecting greater Uniformity of* 5 & 6 W. 4. c. 38.
 ‘ *Practice in the Government of the several Prisons in England and*
 ‘ *Wales, and for appointing Inspectors of Prisons in Great Britain,*
 ‘ One of Her Majesty’s Principal Secretaries of State is empowered
 ‘ to appoint Inspectors of Prisons in any Part of the Kingdom of
 ‘ *Great Britain*, who should make, and transmit to One of Her
 ‘ Majesty’s Principal Secretaries of State, yearly Reports of the
 ‘ State of every Prison visited by him, Copies of which Reports
 ‘ should be laid before Parliament: And whereas by virtue of
 ‘ the said last-recited Act an Inspector of Prisons has been ap-
 ‘ pointed to act in *Scotland*, who presented a First Report dated
 ‘ the Third Day of *February* One thousand eight hundred and
 ‘ thirty-six, a Second Report dated the Twenty-fifth Day of *Feb-*
 ‘ *ruary* One thousand eight hundred and thirty-seven, and a Third
 ‘ Report dated the Thirteenth Day of *March* One thousand eight
 ‘ hundred and thirty-eight, all of which Reports have been laid
 ‘ before Parliament: And whereas the Prisons in *Scotland* are in
 ‘ general insecure and incommodious, and incapable of admitting
 ‘ of the Adoption of a good System of Prison Discipline therein:
 ‘ And whereas it is expedient to train the Prisoners in good and
 ‘ industrious Habits by effecting their complete Separation from
 ‘ vicious Society, and by affording them Religious and Moral
 ‘ Instruction, and employing them in useful Labour: And whereas
 ‘ the Burden of providing and maintaining Prisons, and of sup-
 ‘ plying Aliment to Prisoners therein, has been imposed on
 ‘ Burghs by ancient Laws and Usages; but the Funds thereof
 ‘ are now inadequate for these Purposes, and it is inexpedient
 ‘ that the Burghs should continue liable to the Burdens and
 ‘ Obligations wherewith they are chargeable in respect of Pri-
 ‘ sons and Prisoners: And whereas the Aid given by Counties
 ‘ to Burghs for the aforesaid Purposes is varying and uncer-
 ‘ tain, and in many Cases cannot be obtained efficiently or
 ‘ without great Difficulty and Expence: And whereas it is ex-
 ‘ pedient, with a view to the Adoption of efficient Means for
 ‘ the Punishment and Repression of Crime and Reformation of
 ‘ Criminals, that Provision should be made for the Erection and
 ‘ Maintenance of more secure and convenient Prisons, and for the
 ‘ better Management thereof, and the Establishment of a well-
 ‘ regulated System of Prison Discipline therein, by the Appoint-
 ‘ ment of a Board of Directors of Prisons acting on a uniform
 ‘ System, and invested with Power to erect and maintain proper
 ‘ Prisons, and to regulate the Discipline and Management of all
 ‘ Prisons, in *Scotland*, and for raising the necessary Funds by
 ‘ means of a general Assessment on Property within the several
 ‘ Counties and Burghs in manner herein-after provided:’ Be it
 ‘ therefore enacted by the Queen’s most Excellent Majesty, by and
 ‘ with the Advice and Consent of the Lords Spiritual and Temporal,
 ‘ and Commons, in this present Parliament assembled, and by the
 ‘ Authority of the same, That a General Board of Directors shall be
 ‘ and the same is hereby established for carrying into effect the Pur-
 ‘ poses of this Act; and the said Board shall consist of the Persons
 ‘ following;

General Board
 of Directors of
 Prisons estab-
 lished.

following; namely, the Lord Justice General in *Scotland*, the Lord Justice Clerk, the Lord Advocate, the Solicitor General, the Dean of the Faculty of Advocates, all for the Time being, together with Fourteen other Persons, Five of whom shall be Persons holding or who shall have held the Office of Sheriff Depute, whom it shall be lawful for Her Majesty, after the passing of this Act, by Warrant under the Royal Sign Manual, to appoint; and the said Board shall be and be styled "The General Board of Directors of Prisons in *Scotland*;" and the said Board may sit from Time to Time as they deem expedient as a Board of Directors for carrying this Act into execution; and it shall also be lawful for Her Majesty, Her Heirs and Successors, to remove any of the said Members of the Board or any Member thereof to be hereafter appointed, and to supply any Vacancy which may occur in the said Board.

Directors to
derive no
Emolument.

Their Expences
to be paid.

Secretary to the
Board.

Board may hold
Property and
Monies, and sue
and be sued.

II. And be it enacted, That no Director shall derive any Profit or Emolument for the Discharge of the Duties of his Office as a Member of the Board, nor shall be personally liable for any thing done by him *bonâ fide* in virtue of his Office in the Execution of this Act or in the Exercise of the Powers herein contained: Provided always, that any necessary Expences incurred by the Board or Committees appointed by them, or by individual Members of the said Board, in execution of this Act, shall be paid out of the Funds raised by and under the Management of the said Board by virtue of this Act; and an Account of such Expences shall be annually laid before Parliament in manner herein-after provided.

III. And be it enacted, That it shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a fit Person to be Secretary to the said Board, to be paid by the Public, and to supply any Vacancy which may occur in the said Office; and such Secretary shall receive an adequate Salary, of such Amount as shall from Time to Time be recommended by the said Board, and be approved of by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them; and such Secretary shall find sufficient Security for his Intrusions and Management to the Satisfaction of the Board, and shall be liable to be removed by Her Majesty on the Recommendation of the said Board: Provided always, that the Name of the Person so appointed as Secretary, with the Amount of Salary allotted to him, shall be laid before both Houses of Parliament within Six Weeks after the Appointment shall be made or Salary allotted, if Parliament shall be then sitting, or if not, within Six Weeks after the Commencement of the next Session of Parliament.

IV. And be it enacted, That the said Board may acquire and hold Heritable and Moveable Property, Monies, Goods, and Effects, and that all Titles, Securities, Investments, Receipts, and Evidences taken for the same may be taken to the said Board, by the Name and Description of the General Board of Directors of Prisons in *Scotland*, without further Description, or to and in Name of any Two or more Persons appointed Trustees by the said Board, or to and in Name of the Secretary to the said General Board for the Time being, if they shall think fit, under such Regulations as to the disposing or uplifting thereof, ^{when} taken

taken in the Name of Trustees, or of the Secretary, as the Board shall think fit to direct; and all such Property, Monies, Goods, and Effects being so taken and vested shall be deemed to be held for the Use of the said Board for the Time being for the Purposes of this Act, and shall pass and be transmitted to the said Board, and to such Trustees and Secretary for the Time being as shall be duly appointed, without the Necessity of any further Conveyance or Assignment; and the said Board are also authorized, for all Purposes of Civil or Criminal Action or Diligence, or Reference to Arbitration, to institute, defend, or enter into any such Civil or Criminal Proceedings as they may judge necessary in the Name of such Board or Secretary for the Time being; and no such Proceedings shall be discontinued or abate by any Vacancy in any of the said Offices, but may be proceeded in, to all Intents and Purposes, in the Name of the Board, or of the Secretary commencing the same, or his Successor: Provided always, that no Judge shall be disqualified from acting as such in any such Civil or Criminal Proceedings by reason of being a Member of the said Board.

V. And be it enacted, That the said General Board shall meet at *Edinburgh*, in the Court Room of the First Division of the Court of Session, upon *Wednesday* the Eleventh Day of *September* One thousand eight hundred and thirty-nine, at Noon, and shall thereafter hold Two General Meetings in each Year, the one upon the Second *Wednesday* of *January*, and the other upon the Second *Wednesday* of *September*, in each Year; and at such First Meeting, and at all other Meetings to be held under this Act, Five shall be a Quorum; and the said Board shall have Power to adjourn for such Time and to such Place as they shall see fit; and it shall be lawful also for the said General Board to hold special or *pro re nata* Meetings, which may be called by the Secretary upon Requisition by any Two Members; provided that such Notice shall be given in Writing by the Secretary as the Board shall hereafter direct, and that all Notices of special or *pro re nata* Meetings shall specify the Business or Matter on which such Meeting is called.

VI. And be it enacted, That the said General Board shall have Power to appoint Committees of their Number, and to fix the Quorum thereof, with Power to transact all the Business hereby committed to the said General Board, or such Part thereof as the said General Board shall delegate to them; and such Committees shall report from Time to Time to the said General Board as the latter shall direct, and failing such Direction to the said General Board at its next statutory General Meeting.

VII. And be it enacted, That the said Board shall be and they are hereby authorized and required, from Time to Time as they shall see Occasion, to make and submit to One of Her Majesty's Principal Secretaries of State Rules for the Management, good Order, and Discipline of Prisons and Prisoners, and for the Mode in which Contracts shall be entered into and Plans made for building, altering, or repairing Prisons, and supplying them with Food and other Articles of Consumption, and for regulating the Dietary of Prisoners, and generally for carrying into effect the Purposes of this Act; and it shall be lawful for such Secretary of State, if he

Meetings of the Board.

General Board may name Committees.

Board to make Rules, subject to Approval of Secretary of State.

he shall think fit, to alter such Rules, or to make additional Rules ; and he shall grant a Certificate that such Rules as submitted to him, or altered or added to, are proper to be observed and enforced ; and upon such Certificate being granted such Rules shall be by the Secretary of State transmitted to the Board, and shall be effectual.

Board to record their Proceedings, and make annual Reports thereof.

VIII. And be it enacted, That the said Board shall make a Record of their Proceedings, in which shall be entered Minutes of all Meetings held by them, or any Committee appointed by them, and all Regulations or Orders made by the Board in virtue of the Powers herein given, together with full and detailed Accounts of their whole Receipts and Expenditure, and all other Matters which the Board may judge proper ; and the said Board shall, on or before the Fifteenth Day of *February* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State a full Report of their whole Proceedings during the Year ending on the Thirty-first Day of *December* preceding ; which Report shall, in particular, contain the Regulations made by the Board for the Management and Discipline of Prisons, with such Alterations or Additions as shall have been made by the Secretary of State as aforesaid, a Statement of the Prisons built or altered, with suitable Explanations of the Design of such Buildings or Alterations, and an Abstract of the whole Receipts and Expenditure, classifying the separate Articles thereof, and showing from whence the Receipts have been derived, and to what Purposes the Expenditure has been applied ; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such Fifteenth Day of *February*, if then assembled, or if Parliament shall not be then assembled, within Fourteen Days after the next Meeting thereof.

Each Prison, with an Exception, to be under the Management of a County Board.

IX. And be it enacted, That with the Exception of the General Prison to be established by the said General Board at *Perth*, which Prison so excepted shall be under the Superintendence and Management of the said General Board alone, each Prison shall be under the immediate Superintendence and Management of a County Board, to be appointed for such Prison in manner and with the Powers herein-after provided.

General Board to authorize certain Number of Members to be appointed for County Boards.

X. And in order to the due Establishment of the said County Boards, and the Appointment of the Members thereof, by the several Parties liable in Payment of the Assessment to be raised for the Purposes of this Act, according to the Proportion of their several Liabilities, be it enacted, That from and after the passing of this Act the said General Board shall authorize the Commissioners of Supply of the several Counties, and the Magistrates of all Burghs, contributing or liable to contribute not less than Thirty Pounds annually of Assessment to be imposed under this Act respectively, to appoint such several Numbers of Persons to form a County Board for each County as to the said General Board may seem just and expedient, which Numbers shall, without farther Appointment be divided among the landward Part of the County and the several Burghs in such County, as nearly as possible in proportion to the Amount of Assessment to be contributed by them respectively for the Purposes of this Act.

XI. And

XI. And be it enacted, That the Commissioners of Supply acting in and for each County shall, in the Year One thousand eight hundred and forty, and thereafter at their Annual Meetings usually holden on the Thirtieth Day of *April* in each Year, appoint such Number of Persons to be Members of the County Board for such County as shall be authorized as aforesaid; and the Magistrates of the several Burghs authorized to appoint Members to the said County Board shall also in the said Year, and annually thereafter, at a Meeting in the Month of *April*, severally appoint such Number of Persons to be Members of such Boards as may be authorized as aforesaid; and the Persons so appointed by the said Commissioners of Supply of the several Counties, and by the Magistrates of Burghs within such Counties, shall be a Board for the Purpose of carrying this Act into execution within such County, under the Direction of the said General Board, and shall be and be called the Prison Board for such County; and the said Prison Board shall remain in Office for One Year from the Time of their First Meeting, and at each new Election the whole or any of the Members of such Board may be re-elected: Provided always, that the Sheriff Depute of each County for the Time being, or in his Absence the Sheriff Substitute, acting at the head or returning Burgh of the County, shall, by virtue of their Offices, be Members of such County Boards.

A Prison Board for each County to be appointed.

XII. And be it enacted, That each County Prison Board shall hold their First Meeting at such Place within the County as may be fixed by the Sheriff Depute of the County on the Third *Wednesday* in the Month of *May* annually, and of which due Notice shall be given in Two Newspapers in general Circulation in such County and at such Meeting each County Board shall elect one of their own Number to be their Chairman and Convener; and such Chairman shall, in case of an Equality of Votes, have a double or casting Vote; and each County Board shall from Time to Time hold its Meetings at some Place within the County, and shall, under the Direction of the said General Board, fix and establish the Rules by which the Meetings of such Board or Committee thereof shall be convened, and by which their Proceedings shall be governed; and each County Board may appoint Committees of their own Number for the Management of the several Prisons within such County, or for the Performance of the several Duties required to be performed by such Board, and fix the Quorum thereof, and may delegate to such Committees such Powers as they may think fit, the same being expressed in the Minute of their Appointment; and Three shall be a Quorum of such County Boards.

Meetings of County Prison Board.

Chairman.

Committees, and Quorum of County Boards.

XIII. And be it enacted, That no Member of any County Board shall derive any Profit or Emolument, directly or indirectly, for himself or any Partner from his Office, or from the Expenditure made by the Board of which he shall be a Member, in the Execution of this Act, nor shall be personally liable for any thing done by him *bond fide* in virtue of his Office in the Execution of this Act, or in the Exercise of the Powers herein contained; and no Sheriff shall be disqualified from acting as such in any Civil or Criminal Proceedings which may be brought before him by reason of being a Member of any such Board.

Members of County Boards to derive no Profit.

Sheriffs not disqualified.

XIV. And

Members of
General Board
may attend
County Boards.

XIV. And be it enacted, That any Member of the said General Board may attend any Meeting of any County Board or Committee thereof, and may give his Opinion on any Matters which may be under the Consideration of such Board or Committee, but without having any Vote; and each County Board and Committee thereof shall furnish to the said General Board such Information as to their Proceedings as the General Board may from Time to Time require.

Powers and
Duties of
County Boards.

XV. And be it enacted, That in each County the Prison Board thereof shall, subject to the Directions of the General Board, and excepting the said General Prison, have the immediate Superintendence and Management of the several Prisons, in Terms of this Act and of the Rules to be made in virtue hereof; and such Superintendence and Management shall, under the Provisions contained in this Act and the Rules to be made as aforesaid, include the building, altering, and repairing the said Prisons, the providing of Food and all other Articles of Consumption used therein, the furnishing Instruction and Employment to the Prisoners, and the Appointment of Keepers, Chaplains, Medical Officers, Clerks, and Teachers, and all other Persons proper to be employed, and the Suspension of the Persons so appointed until the Cause of Suspension shall be judged of and decided by the General Board; and such County Boards shall be charged with the Well-ordering and Discipline of their several Prisons; and shall (subject always, however, to the Approval of the said General Board) fix the Salaries to be paid to the Keepers and other Persons employed in such Prisons and to the Clerk of the County Board: Provided always, that the Chaplains to be so appointed to the General Prison and Prisons aforesaid shall be Ministers or Licentiates of the Established Church of *Scotland*.

Failing in
County Boards,
the General
Board to act.

XVI. And be it enacted, That, failing the Appointment of any County Board, or in case any County Board shall decline or neglect to act in execution of the Powers and Duties hereby imposed upon them, and so long as there shall be no County Board, or as such County Board shall decline or neglect to act, the said General Board shall proceed to execute the Powers and Duties which would otherwise have devolved upon such County Board, either directly or in such way as the General Board may deem expedient; and all Acts so done by the General Board shall be as valid and effectual as if the same had been done by a County Board duly appointed and acting.

Disputes how
to be adjusted.

XVII. And be it enacted, That in case any Dispute (excepting in Cases of Questions as to additional Assessment for local Buildings) shall arise between the General Board and any County Board, the same shall be referred to One of Her Majesty's Principal Secretaries of State, whose Decision shall be final.

Existing
Authorities
relieved of all
Obligations
in respect of
Prisons and
Prisoners.

XVIII. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty all Obligations, Duties, Burdens, and Liabilities relative to the building, Maintenance, and Management of Prisons, and the Aliment, Discipline, and Escape of Prisoners, presently or previously to the said Date, imposed by any Law, Statute, or Usage on Magistrates of Burghs, Commissioners of Supply of Counties, or Commissioners or Trustees appointed under the Authority of Parliament, or on any other Person or Persons whatever, shall cease and determine; and the

Funds hereby authorized to be raised or levied shall not be in anywise liable for the Escape of any Prisoner, but reserving Action against the Gaoler for any Neglect as touching the Custody of any such Prisoner: Provided always, that nothing herein contained shall invalidate or affect any thing which shall have been done previously to the said Date, or the Right of such Magistrates, Commissioners, or Trustees to use the Powers and Authorities presently vested in them for the Purpose of recovering and obtaining Possession of Property or Monies belonging or due to them, or of raising Assessments in fulfilment or security of Obligations for which they were liable at the said Date, for Advances of Money made on the Faith and Security of such Assessments, or shall invalidate or affect any Contract *bond fide* made or to be made by or with any Person or Persons previous to the said Date: Provided also, that nothing herein contained shall be held to impair or affect any Obligation presently or previously to the said Date imposed by any Law, Statute, or Usage on Her Majesty, and Her Heirs and Successors, relative to Prisons or Prisoners, and particularly relative to the removing and Aliment of Prisoners; neither shall the Commutation of any Sentence relieve the Crown from any Burden to which it would otherwise have been subject; and it is hereby provided, that the Receipt of any Person appointed by the said Board for that Purpose shall be a valid and effectual Discharge of any Payments made in fulfilment of any such Obligation.

Proviso as to
Her Majesty.

XIX. And be it enacted, That from and after the said last-mentioned Date all Fees of every Description payable by Civil or Criminal Prisoners to Keepers or Officers of Prisons shall be and the same are hereby abolished.

Prison Fees
abolished.

XX. And be it enacted, That all existing Prisons and all Prisons which shall exist on the said First Day of *July* One thousand eight hundred and forty, excepting the General Prison at *Perth* hereinafter mentioned, together with all the Furniture and Appurtenances of the same, shall from and after the said Date be and the same are hereby vested in the County Boards herein provided; and that the said Property and Effects, and all other Heritable or Moveable Property, Monies, Goods, and Effects, vested or remaining at the said Date in the Hands of Commissioners, Magistrates, Trustees, or other Persons under any Act of Parliament, or under any Law or Usage, for the Purpose of building, repairing, or maintaining Prisons, or supplying Aliment to Prisoners, in so far as such Property, Monies, Goods, or Effects have been and are in their Hands or may be recovered by them for the aforesaid Purposes, shall at the said last-mentioned Date, or as soon as possible thereafter, be conveyed, assigned, and paid over to the said Boards, or to Persons duly authorized by them to that Effect; and such Commissioners, Magistrates, Trustees, or other Persons are hereby authorized and required to make, grant, subscribe, and deliver all necessary Dispositions, Assignations, and Conveyances of all such Property, Monies, Goods, and Effects, in order that valid Titles may be completed thereto by the said Boards, or their Trustees; but no Title to be completed thereto by the said Board or the Trustees shall alter the Tenure of any Property conveyed as aforesaid in regard to the Crown or any Subject Superior: Provided always, that

Existing Pri-
sons and Prison
Funds vested in
the Board.

where any Court House or County Rooms, or other Buildings used for local Public Purposes, form a Part of or are connected with any existing Prison, nothing herein contained shall be held to give such Boards any Right to such Court House or County Rooms or Buildings so used for local Public Purposes.

Right of Pre-emption in case of Discontinuance and Disposal of Prisons.

XXI. And be it enacted, That in case any existing Prison, which forms Part of any Building used for other Purposes as aforesaid, be discontinued and disposed of under the Powers herein given, the first Offer of the same shall be made to the Persons having Right to the other Parts of the Building at such reasonable Price as may be agreed on, or, in case of Disagreement, as may be fixed by Valuers appointed by the Sheriff of the Territory : Provided always, that the said County Boards may, with the Permission of the General Board, give up and discontinue any of the small Prisons without requiring any Price, if they shall think proper : Provided also, that where it shall happen that a Portion of one of the larger Prisons can be advantageously applied in extending the Accommodation of an adjoining Court House, the County Boards may, with the Permission of the General Board, if they think proper, give up such Portion for this Purpose without requiring any Price.

Boards to have the Management of Prisons ;

XXII. And be it enacted, That from and after the said First Day of *July* One thousand eight hundred and forty the said General Board of Directors of Prisons shall, by themselves and their Officers, and by means of the County Boards herein established, possess and exercise the full Power of Administration and Management of all Prisons in *Scotland* ; and the said General Board shall, by a Writing under their Hands or the Hands of any Five of them, and which shall be published in the *Edinburgh Gazette*, and in such other Manner as they shall think proper, declare and intimate from Time to Time the Names and Situations of all Prisons, and the Description of Prisoners to be received therein respectively ; and all such Prisons shall be lawful Prisons for the Description of Prisoners so declared and intimated to be received therein respectively ; and the said General Board shall be and they are hereby empowered, from Time to Time as they shall think proper, to authorize the County Boards herein established to discontinue and sell and dispose of any Prison, or take down and rebuild or alter the same, and to erect and provide new and more commodious Prisons within their several Counties, which shall be better adapted for the System of Discipline required to be observed, and in more suitable Situations ; and the said General Board may also, from Time to Time as they shall think proper, alter and determine the Description of Prisoners to be received in any Prison ; and Intimation shall be given by the said General Board in manner aforesaid of any such Discontinuance of a former Prison or Establishment of a new one, and of the Description of Prisoners to be received in any new Prison or in any Prison in which the former Description of Prisoners may be altered ; and the said General Board shall have Power to appoint Keepers, Chaplains, Medical Officers, and Teachers for the said General Prison at *Perth*, under their own immediate Superintendence and Management, together with all Officers, Clerks, and other Persons required for the said General Prison at *Perth* in the Execution of this Act, and to

assign to all such Persons such Remuneration for their Services as they shall think proper ; and the said General Board shall also have Power to suspend, remove, or dismiss, at Pleasure, all Keepers of Prisons and other Persons employed, whether by them in the said General Prison, or in the Prisons under the Superintendence and Management of the County Boards as herein provided ; and also to give or to authorize the said County Boards to give such Compensation as the County Boards may deem just to any such Person now in Office who may be suspended or removed, and who by the Tenure of his Office and by the Nature and Duration of his Services may be entitled thereto ; and the said General Board shall further possess and exercise the full Power of Administration and Management of the whole Property, Monies, Goods, and Effects to be raised and vested in them, and shall hold, use, and apply the same for the Purposes and in Terms of this Act ; and the said General Board shall, by themselves or by means of the said County Boards as herein provided, possess and exercise the full Power of regulating the Confinement, Treatment, and Diet of all Civil and Criminal Prisoners, and of separating and setting them to work, and taking all due Means to train them in good and industrious Habits : Provided always, that the aforesaid Powers of the said General and Local Boards, in respect of the Management of Prisons and Prison Funds and Prisoners, shall be at all Times subject to the Conditions and Limitations contained in this Act, and in the Rules to be made in virtue hereof : Provided also, that the said Boards shall not have Power to set to work any Civil Prisoners or any untried Criminal Prisoners without their own Consent, but, in case of such Civil Prisoners consenting to submit to the ordinary Rules of the Prison in regard to Work, they shall be entitled to the usual Prison Diet.

XXIII. And be it enacted, That the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, and the Officers of Her Majesty's Ordnance for the Time being, shall be and they are hereby authorized and required to grant and convey to the said General Board of Directors of Prisons the Lands, Buildings, and Pertinents thereto belonging at *Perth*, and presently vested in the said Commissioners or Officers, or either of them, as the said Commissioners or Officers, or either of them, shall be directed by Her Majesty in Council to grant and convey to the said Board of Directors for the Purposes of this Act.

XXIV. And in order to prevent Doubts as to what Property appertaining to the Prison of *Dundee* it is intended to vest in the said County Board, be it enacted, That nothing in this Act contained shall vest in the said County Board any Portion of the Ground or Buildings which shall extend more than Three Yards to the North of the Airing Grounds and Northern Wards of the Bridewell and Debtors and Criminal Prisons of the Burghs of *Dundee*, or shall extend more than Six Yards to the South of the Parapet and Railing in line with the Front of the Governor's House of the said Bridewell and Prisons : Provided always, that the County Board may, with the Consent of the General Board, at any Time purchase and take such farther Part or Parts of the Ground within the Boundary Wall at present erected round the said Prison as to them may seem proper, on paying for the same such Price as may be fixed by a Valuation made under the Authority

Prison Funds ;

and Prisoners.

Her Majesty in Council may direct public Buildings at *Perth* to be granted to the Board.

What Property shall vest in the County Board appertaining to *Dundee* Prison.

riety of the Sheriff, on a summary Application being made to him to that Effect.

Assessment of
County of For-
far and Burghs
therein.
4 & 5 W. 4.
c. lxxxii.

5 W. 4. c. cxxix.

XXV. ' And whereas the Magistrates and Town Council of the
' Royal Burgh of *Dundee*, as Commissioners under an Act passed
' in the Fourth and Fifth Years of the Reign of His late Majesty
' King *William* the Fourth, intituled *An Act for erecting and*
' *maintaining a Gaol for the Royal Burgh of Dundee in the County*
' *of Forfar*, have recently erected and suitably furnished a com-
' modious Prison in the said Burgh at the Cost of a large Sum of
' Money, of which the Sum of Nine thousand Pounds or there-
' abouts is still due and owing on the Security of the Rates granted
' by the said recited Act and another Act passed in the Fourth
' and Fifth Years of the Reign of His late Majesty King *William*
' the Fourth, intituled *An Act for the better paving, lighting, watch-*
' *ing, and cleansing the Burgh of Dundee*; and it is just and reason-
' able, on vesting the said Prison in the said County Board, that
' Provision should be made for relieving the said Burgh of a Por-
' tion of the Debts contracted for the Erection of the same, and
' still due and owing as aforesaid; be it therefore enacted, That in
' estimating the Sum required for the Purposes of this Act to be
' paid by the County of *Forfar* and the Burghs situate therein, the
' said County Board shall annually add to the Assessment within the
' said County such a Sum as shall be sufficient to pay and keep down
' the Interest on the Debts contracted, and still due and owing as
' aforesaid, and to set aside annually as a Sinking Fund for the Re-
' demption of the Principal of the said Debts not less than Two
' Pounds Ten Shillings *per Centum* of such Principal as it stood at
' the passing of this Act; and the Sum so estimated shall, in addition
' to the Sums herein otherwise authorized to be assessed, be levied
' and recovered in the Manner provided by this Act with respect to
' the Expençe of building and altering local Prisons within the said
' County, and shall be applied by the said County Board towards
' Payment of the Principal and Interest of the said Debts as afore-
' said: Provided always, that in estimating the additional Sum to
' be levied as aforesaid the said Debt shall be taken as not exceeding
' Nine thousand Pounds in the whole at the passing of this Act.

Board to pro-
vide necessary
Prison Accom-
modation of
every Kind.

XXVI. And be it enacted, That the said General Board shall be
and they are hereby authorized, as soon after the passing of this
Act as they shall find convenient, to alter, enlarge, and complete
the said Buildings at *Perth*, and maintain the same as a General
Prison for the Custody of Persons convicted of Crime whose re-
spective Sentences of Imprisonment shall be for a Period of not
less than Six Months, which Prison shall be under the sole and
immediate Superintendence and Management of the said General
Board; and the said Board shall also, so soon as convenient, either
by means of the County Boards herein established, or, failing them,
under their own immediate Direction, erect, provide, and maintain
Prisons, which shall be in such Situations as the said General Board
may think suitable and convenient, including a Prison at every
Town in which Circuit Courts are held by the Court of Justiciary,
and at every Town in which any Sheriff is in use to hold Courts
for the Exercise of his ordinary Criminal Jurisdiction; and such
Prisons shall be so constructed and fitted up as to afford the best
Means of carrying into effect the Purposes of this Act and the

Rules

Rules to be made in virtue hereof, and particularly for training the Prisoners in good and industrious Habits, by effecting their complete Separation from vicious Society, and by affording them Religious and Moral Instruction, and employing them in useful Labour.

XXVII. And be it enacted, That after the said General Prison shall be declared by the said General Board to be ready to receive Prisoners, it shall be lawful for the said General Board to cause all Prisoners sentenced to Imprisonment, the Expiry of whose Sentences shall not occur for a Period of not less than Six Months, to be conveyed to the said General Prison, and when any Criminal Court shall, after such Declaration, sentence any Person tried by such Court to a Period of Imprisonment for one Year or upwards, such Court shall insert in the Sentence a special Order that the Prisoner shall be forthwith conveyed to the said General Prison at *Perth*; and where such Sentence shall award Imprisonment for a Period of less than a Year, but not less than Six Months, such Court may either order the Prisoner to be conveyed to the said General Prison or to any other lawful Prison which the Court shall think fit; and it shall also in such Case be competent to the said General Board to order the Prisoner to be conveyed to the said General Prison at *Perth*, if they shall think fit; and it shall not be competent for any Court to order any Prisoner to be condemned to Imprisonment for a shorter Period than Six Months to the said General Prison: Provided always, that nothing herein contained shall interfere with the Power of the Court of Justiciary to sentence any Prisoner to Confinement and Detention in a particular Gaol.

What Prisoners
to be sent to
General Prison.

XXVIII. And be it declared and enacted, That separate Confinement under the Provisions of this Act shall not be deemed solitary Confinement within the Meaning of any Law or Statute forbidding the Continuance of solitary Confinement for more than a limited Time: Provided always, that no Cell shall be used for the separate Confinement of any Prisoner which is not of such a Size, and lighted, warmed, ventilated, and fitted up in such Manner, as may be required by a due Regard to Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; and that every Prisoner so separately confined shall have the Means of taking Air and Exercise at such Times as shall be deemed necessary by the Surgeon, and shall be furnished with suitable Labour or Employment, unless it shall be deemed advisable by the said General Board to make and certify a Regulation for withholding for a Period or Periods not exceeding One Calendar Month at any one Time such Labour or Employment; and all Prisoners shall be furnished with the Means of Moral and Religious Instruction; and it is hereby provided, that no Books or printed Papers shall be admitted into the General Prison or County Prisons but those which shall be chosen by the Chaplain for the Use of Prisoners belonging to the Established Church, and by the General and County Boards for the Use of other Prisoners; and the Keeper shall keep a Catalogue of all Books and printed Papers allowed to be admitted into the Prison: Provided always, that in case there shall be a Difference of opinion between the Chaplain and the Prison Board with respect

Separate
Confinement
regulated.

to the Books or printed Papers proper to be admitted for the Use of Prisoners belonging to the Established Church, Reference shall be had to the Presbytery of the Bounds, whose Decision shall be final.

Aliment of
Civil Prisoners.

XXIX. Provided always, and be it enacted, That the Law relative to the providing of Aliment to Civil Prisoners shall not be altered or affected by any thing contained in this Act.

Insane Criminal
Prisoners.

XXX. And in order that due Provision may be made for the proper Custody, Treatment, and Maintenance of Criminal Prisoners who by reason of Insanity or Lunacy may be found by the Court to be unfit to be brought to Trial, or who may upon their Trial be found to be insane or lunatic, or to have been so when the Offence wherewith they were charged was committed, and who may be detained and subjected to Confinement as such, be it enacted, That it shall be lawful for the General Board, if they shall think proper, instead of making use of a Prison or any Portion thereof for the Custody of such Prisoners, and in addition to the Powers herein conferred, to contract and agree with the Directors or Managers of any public Lunatic Asylum for the close and safe Custody and Maintenance of such insane or lunatic Prisoners, on such Terms as may be agreed upon, and to remove such Prisoners to such Lunatic Asylum: Provided always, that all competent Right of Relief of the Expences incurred in the Custody and Maintenance of such Prisoners against their own Estate or Funds, or otherwise, shall be and the same is hereby reserved.

Removal of
Prisoners.

XXXI. And be it enacted, That the General Board may, in pursuance of Rules made as aforesaid, and also by Orders issued by them from Time to Time as they shall think proper, direct the Removal of all Civil or Criminal Prisoners from one Prison to any other Prison, situated in the same County, deemed more fit and convenient, such Removal, and the Prison to which it shall be made, being always entered in the Books of the Prison from which the Removal shall take place; and in the event of its being found necessary to remove any such Prisoner to a Prison not situated in the same County, it shall be competent to the General Board to make Application to that Effect to the Court of Justiciary, or, in case of a Civil Prisoner, to the Court of Session, and the said Court shall have Power to grant Warrants for the Removal of such Prisoners, Fourteen Days previous Notice of such Application in Writing being always given to such Prisoners, and also to the County Board to which the Removal is proposed to be made; and any Letter or written Communication of any Kind in relation to any such Removal, addressed by any Prisoner to the Clerk of Justiciary or Clerk of Session, shall, without Charge to the Prisoner, be submitted to the said Court of Justiciary or Session respectively before the Warrant for Removal be granted: Provided always, that if it shall be necessary, from the Want of Accommodation or Insufficiency in the Prisons of any County, to remove a Prisoner to the Prison of any other County, the County from which any Prisoner shall be for such Cause removed shall be charged with a Sum double the Expence of the Conveyance and Maintenance of such Prisoner, which Sum, after defraying such Expence, shall be paid to the County into the Prison of which such Prisoner shall be so removed.

XXXII. And

XXXII. And be it enacted, That in case any Gaol belonging to any Royal Burgh shall be discontinued or done away, it shall be competent to the Magistrate or Magistrates of such Burgh to commit Prisoners to the nearest adjoining Gaol to the said Burgh, in such and the like Manner as such Magistrate or Magistrates would have been entitled to commit Prisoners to the Gaol of the said Burgh.

Burgh Gaol being discontinued, Prisoners committed to nearest Gaol.

XXXIII. And be it enacted, That whenever the Period which any Prisoner may be sentenced to remain in Confinement shall expire on *Sunday* such Prisoner shall not be released till the Day following.

Imprisonment expiring on Sunday.

XXXIV. And be it enacted, That it shall be lawful for the said General Board to cause Prisoners about to be discharged from the said General Prison to be conveyed in Custody to the Prison nearest to the Place of their respective Residences, or in the County where the Crime may have been committed, in such Time as to admit of their being there liberated on the Expiry of their Sentences, or otherwise, at their Discretion, to direct reasonable Sums of Money to be paid to such Prisoners, in such Manner, and at such Place or Places as the said Board shall direct, in order to provide for their necessary travelling Expences to their usual Place of Residence, or to provide for such travelling Expences in such other Way as the said Board may deem proper.

Board may provide for travelling Expences of Prisoners discharged at a Distance from their usual Residence.

XXXV. And be it enacted, That the Expence of converting the said Building at *Perth* into a General Prison, and of furnishing and completing the same, shall be paid as follows; namely, Ten thousand Pounds thereof shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Remainder, to an Amount not exceeding Twenty thousand Pounds, shall be paid by the different Counties of *Scotland* and Burghs situated therein, and shall be apportioned among such Counties, including Burghs as aforesaid, according to a Scale of Proportion of Assessment to be framed on a combined Estimate of the Amount of Population and Crime in such Counties, provided that such Assessment shall not in any One Year exceed the Sum of Two thousand Pounds; and the said General Board are hereby authorized and required, as soon as may be after the passing of this Act, to ascertain and determine as nearly as may be such relative Population, and also to ascertain and determine, in such Way as they may think most just, the Amount of Crime in each County; and the said Board shall frame a Scale of Proportions of Assessments for the several Counties according to a combined Estimate of such Population and Crime; that is to say, the said Board shall first calculate what each County would have to contribute if the Assessment depended on Population alone, and shall then calculate what each County would have to contribute if the Assessment depended on Crime alone, and the Half of the Two Amounts in any Case shall be the Sum to be paid by each County, including the Burghs therein, and such Assessment shall be final for the Purposes of this Act; and the said General Board shall give Notice of such Apportionment to the Convener of the Commissioners of Supply of each County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, on or before the Fifteenth Day of *April* then next ensuing: Provided always, that

Expence of fitting up a General Prison.

Notice shall be held to be duly given by Letter sent by the General Post, properly addressed, containing such Notice.

Expence of
building local
Prisons.

XXXVI. And be it enacted, That the Expence of building, altering, and repairing the local Prisons shall be defrayed exclusively by the Counties wherein such Prisons are respectively situated, by an Assessment to be levied annually upon such Counties and Burghs situated therein, provided that such Assessment shall not in any One Year exceed the Amount in which the County wherein the same is situated would be liable, on the Footing of the Sum of Ten thousand Pounds being assessed for the Year upon all the Counties in *Scotland*, in the same Manner as the said Sum of Two thousand Pounds is herein ordered to be assessed, unless with the Consent of the Commissioners of Supply of such County assembled to choose the County Board as aforesaid, or at an adjourned Meeting, not being later than the Thirtieth Day of *November* immediately following, and of the Magistrates of the several Burghs therein assembled for the said Purpose as aforesaid; but, with such Consent, it shall be lawful to add to the ordinary maximum Assessment of such County, and Burghs situated therein, such Sum for the said Purpose of local building, repairing, or altering as may be required and be so consented to: Provided always, that the said additional Sums for the building, repairing, and altering of Prisons shall be so assessed as to distribute its Amount over as many Years as the Commissioners of Supply, and the said Magistrates in consenting to such additional Assessment, shall have declared to be expedient, not exceeding those which may have to elapse before the Expiration of this Act; and it shall be in the Power of the General Board to borrow Money on the Credit of such Assessment.

Expence of
Establishment
and current
Expences of
General Prison.

XXXVII. And be it enacted, That the current annual Expences of the Establishment of the General Prison of *Perth*, including the Expence of transmitting Prisoners to and from the said General Prison, the Expence of Aliment of Prisoners while there, and all the Expences of the said General Board (excepting the Salary of the Secretary), shall be defrayed by an Assessment upon such Counties, including the Burghs therein, according to a Proportion corresponding to the Number of Prisoners which shall be ascertained to have been sent to the said General Prison from such Counties respectively in the preceding Year, and the Duration of the Imprisonment of such Prisoners; and in case there shall be any Deficiency in the Proportion of the Assessment of any County towards the Fund for so defraying the Expence of the General Prison, and other Expences aforesaid, in any Year, such Deficiency shall be made up by the Assessment for the subsequent Year upon such County according to its Liabilities as aforesaid; and in case there shall be any Surplus in the Proportion of the Assessment of any County towards such Fund, an Abatement of the Assessment upon such County shall be allowed according to its Liability as aforesaid, and so from Year to Year; and the Assessments necessary for the defraying all such Expences as the same shall be ascertained and directed by the said General Board by a Certificate issued by them, which shall be conclusive: Provided always, that to meet the Expence of the first Year the Sum of Five thousand Pounds shall be assessed upon the Counties, including the Burghs

Burghs as aforesaid, in the same Proportion and Manner as the said Sum of Two thousand Pounds herein authorized to be assessed is authorized to be assessed.

XXXVIII. And be it enacted, That the Expence of transmitting Prisoners from one local Prison to another, the Expence of the Aliment of Prisoners in the County Gaols, and generally the current Expences of such Gaols, shall be defrayed by the Counties respectively in which such Gaols are situated, by Assessment upon such Counties and Burghs therein situated as herein provided, according to the Amount of the Expences of the preceding Year; provided that the Assessment shall be to such an Amount as the County Board shall from Year to Year fix and determine at a Meeting to be held for that Purpose in the Month of *September* annually; and in case of any Deficiency or Surplus in such Assessment in any Year, or in any annual Assessment hereby authorized to be imposed, the same shall be made up or allowed at the next annual Assessment, in such and the like Manner as any Deficiency or Surplus is herein-before directed to be made up or allowed in relation to the annual Assessment for defraying the Expence of the General Prison; and provided also, that where the Court of Justiciary, or any competent Court, shall sentence a Prisoner to be confined in the Gaol of any County, not being the County in which the Crime for which the Prisoner has been so sentenced was committed, such County shall be entitled to be relieved of all Expences relative to such Prisoner by the County within which the Offence was committed.

Aliment of
Prisoners and
Expence of
County Gaols.

XXXIX. And be it enacted, That the Amount of the Sums to be assessed upon each County, including the Burghs therein, shall be apportioned upon and divided between the Burghs and landward Parts of such Counties, according to the relative Population of such Burghs and landward Parts respectively; and the said General Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh for such Burgh, of the whole Sums or Proportions to be levied annually on such Burghs and the landward Parts of such Counties respectively.

Assessment on
County and
Burghs therein
how apportioned.

XL. And be it enacted, That on or before the Fifteenth Day of *February* in the Year One thousand eight hundred and forty, and on or before the like Period in every succeeding Year, the said General Board shall make and transmit to One of Her Majesty's Principal Secretaries of State an Estimate of the Sums which they shall require in the Execution of this Act during the Year from the First Day of *January* to the Thirty-first Day of *December* of the current Year; and such Estimate shall form Part of the annual Report herein-before directed to be made to such Secretary of State, and to be by him laid before both Houses of Parliament, and shall set forth in a separate and distinct Manner the Purposes for which the Sums therein contained shall be required, and in particular shall distinguish the Expence of building, altering, and repairing local Prisons, as applicable to each County respectively; and the said Estimate shall not be acted upon or apportioned in manner herein-after provided until the Expiration of One Month after the same shall have been so laid before Parliament, and the

Board to make
an Estimate of
Sums required,
and Estimate to
be laid before
Secretary of
State and
Parliament.

Approval

Approval of Her Majesty's Principal Secretary of State as aforesaid shall have been signified to the Board.

Assessment authorized on landward Parts of Counties.

XLII. And be it enacted, That the Portion of the gross Amount of the foresaid estimated Sums which shall be annually apportioned by the Board on the several landward Parts of Counties as aforesaid shall be assessed, by or under the Authority of the Commissioners of Supply of each County, as follows; namely, upon all Property contained in the Valuation Books of such County, according to the valued Rent of such Property; and upon all Houses within such landward Part of a County, and also upon all Land within such landward Part of a County not valued in the said Valuation Books, according to the annual Value of such Houses and Land; that is to say, for every Five Pounds *Scots* that shall be assessed on every Hundred Pounds *Scots* of the valued Rent of Property there shall be assessed the Sum of One Penny Sterling on every Pound Sterling of the annual Value of such Houses and Land; but it is hereby expressly provided and declared, that Houses situated on Lands valued in the Valuation Books of the said County, and chargeable to the Proprietors of such House with Assessment imposed by this Act on Property so valued to a greater Amount than the Sum for which the said Houses would be chargeable under this Act, shall not also be liable to the Assessment hereby imposed on Houses; and the said Commissioners in the several Counties are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid to the Convener of such County, to lay on and collect or direct the laying on and collecting of the Sum apportioned on each respective landward Part of a County, together with such further Sum as may be necessary to cover Expences of Assessment, Collection, and Remittance, and any Arrears of preceding Years, in the Proportions aforesaid, and in such Manner and by such Meetings of the said Commissioners or Committees of their own Number, and by such sworn Surveyors or Valuers, Collectors or other Persons, as they shall from Time to Time appoint; and the said Commissioners, and their Convener and Collector in the several Counties, shall remit the whole Sum apportioned at their Risk, and free of all Expences, to the said County Board, through one of the incorporated Banks in *Scotland*, within Eight Months after Notice to the Convener as aforesaid, with legal Interest thereafter of the same, or any Balance thereof, until paid; and the said County Boards shall in like Manner remit to the General Board such Portion of the Assessment as the said General Board shall certify to be due in Terms of this Act: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

Assessment on landward Parts of Counties may be made according to real Value.

XLIII. And be it enacted, That instead of the Assessment on Property, Houses, and Land situated in landward Parts of Counties being made on the valued Rent of such Property, and the annual Value of such Houses and Land, in manner aforesaid, it shall be lawful for the Commissioners of Supply of any County, if they shall so determine at one of their usual Meetings, due Notice having been given by Advertisement in Two Newspapers in general Circulation in such County at least One Month previous to such Meeting

Meeting by the Clerk of Supply, on Requisition to that Effect by not less than Seven of such Commissioners, to assess the Sums which shall be annually apportioned as aforesaid on the landward Part of such County according to the real annual Value of the whole Lands, Teinds, Fishings, Mills, Mines, Minerals, Lime Works, Brick Works, Iron Works, Factories, and manufacturing Establishments, Coal Works, Quarries, Canals, Railways, Houses, Buildings, and Pertinents, situated in the landward Part of such County, or in any other Manner in use in such County, for any general Assessment thereon for any public Purpose that may appear to the said Commissioners at such Meeting to be more equitable and convenient, the Mode of Assessment to be proposed at such Meeting being publicly notified in the said Requisition and Advertisements: Provided always, that any Valuation required to be made in order to such Assessment shall from Time to Time, at Intervals of not less than Three Years, be made, by and under the Direction and at the Expence of such Commissioners, which they are hereby empowered to do, by sworn Surveyors or Valuers appointed by them for that Purpose, in such Manner as to them may seem fit, and at the same Time to include in such Assessment the Expence of making such Valuation.

XLIII. And be it enacted, That in Cases where any Canal or Railway shall pass through or be situate in more than One County, the Proportion of the annual Value thereof on which such Assessment shall be made for each such County shall be according to the Number of Miles or Distance which such Canal or Railway passes through or is situated in each County.

Assessment of
Canals and
Railways.

XLIV. And be it enacted, That in the County of *Orkney* and *Zetland* the Assessment authorized by this Act shall be levied, in manner and with the Powers aforesaid, by the Commissioners of the Land Tax, upon Property in the landward Part of the said County, along with the Land Tax, and in like Manner therewith, and shall be apportioned upon *Orkney* and *Zetland* respectively according to the existing Proportions in which the Land Tax is levied on them respectively, and upon the Houses in the said landward Part of the County according to the annual Value of such Houses: Provided always, that in *Zetland* the Valuation by Merks Land shall be substituted in place of valued Rent in other Counties, and that One Merk Land shall be deemed and taken as equal in Value to Two Pounds *Scots* of valued Rent: Provided further, that the Commissioners of Supply for the Counties of *Ross* and *Cromarty*, and also for that Portion of the County of *Nairn* which is locally situated in the County of *Ross*, shall meet together for the Purposes of this Act at the usual Place of Meeting of the Commissioners of Supply of the County of *Ross*, and shall exercise the Powers conferred by this Act on Commissioners of Supply with respect to the said Counties of *Ross* and *Cromarty* and the said Portion of the County of *Nairn*.

Assessment in
Orkney and
Zetland, and
Ross and *Cromarty*.

XLV. And be it enacted, That the Assessment authorized by this Act to be assessed and collected within landward Parts of Counties may be levied either on the Proprietor or the Tenant; but such Tenant, in case of his paying the same, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that where such Assessment on Houses shall be of very small

Mode of levying
Assessment in
Counties.

small Amount it shall be competent to the said Commissioners to make Postponement in the Collection of the same, to the Effect of collecting Two or more Years Assessment on Houses at one Time, as they may think proper.

Assessment
authorized on
Burghs.

XLVI. And be it enacted, That the Portion of the gross Amount of the foresaid estimated Sums which shall be annually apportioned by the Board on the several Burghs as aforesaid shall be assessed by or under the Authority of the Magistrates of each Burgh on the annual Value of Property within the same; and the said Magistrates of the several Burghs are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid by the County Boards to the Chief Magistrate, to lay on and collect or direct the laying on and collecting of the Sum apportioned on each respective Burgh, with such further Sum as may be necessary to cover Expences and Risk of Assessment, Collection, and Remittance, and any Arrears of preceding Years, in like Manner and with the same Powers and Right of Action and Diligence, and of using summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or General Assessment with which the said Magistrates may deem it most expedient that the Sum apportioned as aforesaid should be laid on and collected, and any Board or other public Body which may be directed by the Magistrates of any Burgh to lay on and collect the said Assessment are hereby empowered and required to do so; and the said Magistrates shall, at their Risk, and free of all Expences, remit the whole Sum apportioned to the County Board, through one of the incorporated Banks in *Scotland*, within Eight Months after Notice to the Chief Magistrate as aforesaid, with legal Interest thereafter of the same, or any Balance thereof, until paid; and the said County Board shall in like Manner remit to the General Board such Portion of the Assessment as the said General Board shall certify to be due, in Terms of this Act, as already provided in the Case of Assessments on the landward Parts of Counties: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

Mode of Col-
lection in
Burghs where
no other general
Assessment.

XLVII. And be it enacted, That in any Burgh, or Part thereof, in which there may be no Municipal or Police or other general Assessment, or any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment hereby authorized along with any other existing Assessment, the Sums annually apportioned in such Burgh as aforesaid shall be assessed and collected, by or under the Authority of the Magistrates thereof, on the annual Value of Property within the same, in such Manner as they shall think just; and for this Purpose the Magistrates of any such Burgh are hereby authorized and required to appoint sworn Surveyors or Valuers and Collectors, and to lay on and collect or to direct the laying on and collecting the Sum apportioned on such Burgh, with such further Sum as may be necessary to cover Expences and Risk of Assessment, Collection, and Remittance, and any Arrears of preceding Years, the whole Sum apportioned to be remitted as aforesaid within Eight Months after Notice to the Chief Magistrate as aforesaid, with legal Interest

thereafter of the same, or any Balance thereof, until paid: Provided always, that on the Occasion of the first Assessment the Time to be allowed for remitting the said Sum shall be Twelve Months instead of Eight Months, as before provided.

XLVIII. And be it enacted, That the said annual Value of the various Kinds of Property to be rated under the Authority of this Act shall be taken to be the Rent at which, one Year with another, the same might in their actual State be reasonably expected to let from Year to Year, under Deduction of the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain the Heritages in their actual State, and all Rates, Taxes, and public Charges payable in respect of the same; provided that no Mine shall be assessed unless it has been worked during some Part of the Year preceding the Day on which the Assessment may be ordered to be levied.

Annual Value defined.

XLIX. Provided always, and be it enacted, That in any Burgh in which the free yearly Proceeds of the Common Good, Property, and Revenues thereof may be judged by the Magistrates thereof to be sufficient to pay the Sum or any Part thereof, annually apportioned on such Burgh as aforesaid, after defraying the ordinary Municipal and Police Charges and Expences, and other annual Burdens chargeable on such Common Good, Property, or Revenues, including the Interest of Debts due by such Burgh, it shall be competent to the Magistrates thereof to pay so much of the Sum so apportioned on such Burgh as is due by that Part of the Burgh entitled to such Common Good, Property, and Revenues.

Common Good and Revenues of Burghs may be applied in payment of Assessment.

L. And be it enacted, That the Assessment authorized by this Act to be assessed and collected within Burghs shall be payable by the Tenant or Occupant of Property assessed; but such Tenant or Occupant by whom such Assessment shall be paid shall be entitled to deduct One Half of such Assessment from the Rent payable to the Proprietor or Person by whom such Property was let; and such Assessment shall be payable at such Terms as the Magistrates may appoint: Provided that One Half of such Assessment may be levied directly from the Proprietor of Property assessed within the Burgh: Provided also, that where the Rent is under Five Pounds the Magistrates of any Burgh may remit, on account of Poverty, the Whole or any Part of the Assessment authorized by this Act to be levied from any Tenant or Occupant of Property within Burgh.

Assessment within Burghs to be divided between Landlord and Tenant.

LI. And be it enacted, That where Houses in Counties or Burghs have been or shall be built by the Tenant of any Land held under Lease upon such Land, the Tenant and his Heirs and Assignees in such Lease shall, for the Purposes of this Act, be deemed and taken to be the Proprietors of such Houses.

Tenants under Building Leases to be held Proprietors.

LII. And be it enacted, That for the Purpose of erecting and maintaining local Prisons for the Custody of Prisoners after Conviction only, and paying the Cost of such Prisons and Prisoners, the Commissioners of Supply of Two or more Counties, and the Magistrates of the Burghs in the said Counties, at their Meetings respectively to elect the County Boards, shall have Power to form a Union of their respective Counties upon such Terms as they may agree upon and as may be approved of and confirmed by the General Board: Provided always, that in the Towns of *Cupar Angus*

Counties may unite for the Expence of certain local Prisons.

Angus and Galashiels it shall be lawful to admit Prisoners before Conviction into any Prison which may be erected and maintained at the mutual Expence of the adjoining Counties within which such Towns are situated.

Commissioners of Public Works may issue Exchequer Bills to the Boards.

LIII. And be it enacted, That it shall be lawful for the Commissioners for the Issue of Exchequer Bills in aid of Public Works, under the Provisions of the several Acts already passed or which may hereafter be passed for regulating their Proceedings, from Time to Time to make Advances to the said General Board or County Boards, or any of them, on the Security of the Property and Assessments vested in the said Boards and to be raised by virtue of this Act, and which Security the said Boards are hereby authorized to give, in such Form, upon such Terms, and to such Effect as the said Commissioners may direct and appoint, for securing the Repayment of the Principal of the said Advance by Instalment before the Expiry of this Act, with Interest not exceeding Five Pounds *per Centum per Annum* on the Principal Money from Time to Time remaining unpaid.

Securities not to be affected for Want of Form.

LIV. And be it enacted, That no Security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works by the said Boards shall be affected by any Informality on the Part of the said Boards or their Secretary or any other Person, and that the Security to be given to the said Commissioners shall have and be entitled to Priority over all other Securities, of what Nature or Kind soever, which shall be granted by the said Boards, until the Sums secured to the said Commissioners, with Interest thereon, and all Charges relating thereto, shall be fully paid and satisfied.

Monies payable to the Board to be paid into an incorporated Bank.

LV. And be it enacted, That all Sums of Money payable to or on account of any one of the said Boards shall be without Delay paid into one of the incorporated Banks in *Scotland* in the Name of the said Boards; and the Account kept by the Board with such Bank or Banks shall only be operated on by Drafts or Orders signed by not less than Three of the Directors of the said Board; and it shall not be lawful for the Secretary to the Board, or any Person intrusted with the Receipt of the Monies belonging thereto, to retain in his Hands, of such Monies, any Sum exceeding Fifty Pounds beyond such Time as may be necessary for paying the same into an incorporated Bank, declaring that such Secretary or any such Person shall be liable in a Penalty at the Rate of Five Pounds for every One hundred Pounds for each Day during which the same may have been so unnecessarily retained.

Visitation and Inspection of Prisons.

LVI. And be it enacted, That it shall be lawful for Her Majesty's Principal Secretaries of State, or any Persons appointed by them or any of them, Her Majesty's Lord Lieutenants of the several Counties, the Members of Her Majesty's Privy Council, the Judges of the Court of Session or Court of Justiciary, and the Members of the said Board of Directors of Prisons, and also for all Sheriffs, Conveners of the Commissioners of Supply of Counties, Justices of the Peace, Chief Magistrates and Bailies of Burghs, Members of the County Prison Boards, and Committees thereof, and for Committees of not more than Three of the Councillors of Burghs to be appointed by such Commissioners and Magistrates respectively, all within their several Counties and Burghs, and also for all

all Persons to whom the Board may grant such Permission, to visit and inspect the State and Condition of the several Prisons, and Discipline of Prisoners therein, and from Time to Time, as they shall see Cause, to report their Observations to the General Board, who shall give speedy and attentive Consideration thereto; and Copies of the annual Reports of the Proceedings of the General Board, as before provided and required by this Act to be transmitted to the Secretary of State and laid before Parliament, shall be transmitted by the Board to all the aforesaid Persons who may desire the same, as soon as conveniently may be after the Preparation and Transmission thereof to the Secretary of State.

LVII. And be it enacted, That the Limits and Boundaries of the said Burghs shall, for the Purposes of this Act, be taken and held to be according to the Description and Specification of such Limits and Boundaries determined by an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intitled *An Act to amend the Representation of the People in Scotland*: Provided always, that in any Burgh in which the ordinary Jurisdiction of the Magistrates shall not extend over the whole of the said Boundaries, it shall be lawful to exclude therefrom, for the Purposes of this Act, such Part thereof, being beyond the ordinary Jurisdiction of the Magistrates, as may be mutually agreed on by the Magistrates of the Burgh and the Commissioners of Supply for the County, or, in case of Disagreement, as shall be determined by the Sheriff of the Sheriffdom in which such Burgh shall be situated: Provided also, that if the Boundaries of any Burgh shall not be determined by the said recited Act the same shall be determined by Agreement between the Magistrates and Commissioners of Supply, and, failing such Agreement, by the Sheriff as aforesaid: Provided further, that in Cases where a Burgh is situated partly in one County and partly in another, the Boundaries of the said Burgh shall be determined by the Commissioners of Supply of the Two Counties and the Magistrates of the Two Divisions of the Burgh, or, in case of Disagreement, by the Sheriff of that County in which the greater Part of such Burgh may be situated: Provided also, that the General Board shall not be required to give Effect to any Agreement or Decision respecting the Boundaries of a Burgh unless the same be made, and Notice thereof sent to the said Board, on or before the Thirteenth Day of *November* One thousand eight hundred and forty: Provided also, that in Cases where a Burgh is divided into Two or more Municipalities the Magistrates of such Burgh shall for the Purposes of this Act be taken to be the Magistrate of that Municipal Division which contains the greatest Population.

LVIII. And be it enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate, Heir of Entail, Tutor, Trustee, or any other Person, although under any legal Disability or Incapacity, who shall be vested and seised in or possessed of any Lands, Houses, or Heritages which the said General Board or which any County Board may desire to purchase or acquire for the Purposes of this Act, to sell, dispone, and convey the same to the said Board, for such fair and adequate Price as shall be agreed upon; and all such Conveyances, and the Titles to be made up thereupon in favour of the Board, or their Trustees or Secretary, shall be in common Form,

Boundaries of
Burghs.

2 & 3 W. 4. c. 65.

Corporate
Bodies, Heirs
of Entail, and
others may con-
vey Property to
the General
Board.

Form, and shall be valid and effectual; and all such Bodies Politic, Heirs of Entail, and other Persons so conveying are hereby indemnified for or in respect of such Conveyance which they or any of them shall make in pursuance of this Act.

Application of
the Price.

LIX. And be it enacted, That if any Price agreed to be paid by the said General or County Board for any such Lands, Houses, or Heritages, to or on behalf of any Corporate Body, Heir of Entail, Pupil, or other Person under Disability or Incapacity, shall exceed the Sum of Twenty Pounds, the same shall be paid into one of the incorporated Banks in *Scotland* to an Account in the Names of Two Persons, one to be named by the said Board and the other by the Persons making such Conveyance; and such Price shall be applied, under the Direction of the Court of Session, obtained upon a Petition presented in a summary Way to the Court by the said Two Persons, in the Purchase of the Land Tax, or towards the Discharge of Debt or other Incumbrance, or in the Purchase of Lands, Houses, or Heritages, or in such other Manner, being to the same or the like Uses and Purposes as those upon which the Property so conveyed stood settled or invested, as the said Court shall direct; and if any Price agreed to be paid as aforesaid shall be less than Twenty Pounds, the same shall be paid to the Person or Persons making such Conveyance: Provided always, that the said Board shall not be responsible for the Application of any such Price paid by them in Terms of this Act.

Disputes arising
as to Assess-
ment to be sum-
marily settled
by the Sheriff,
in case of no
other Mode.

LX. And be it enacted, That any Dispute which may arise in adjusting the Boundaries of any Burgh as aforesaid, or any Dispute which may arise in assessing or collecting the Assessments authorized by this Act, between the Commissioners of Supply of Counties, or the Magistrates of Burghs, or the Assessors, Collectors, or others acting under them, on the one Part, and any Person aggrieved on the other Part, for the Settlement of which Dispute no Provision shall be made under the Authority of this Act, and in case it shall not be convenient to raise and determine the same in the Sheriff's Small Debt Court, shall be determined in a summary Way by any Sheriff of the Sheriffdom in which such Dispute shall arise, who shall, on a written Petition being presented to him by the Procurator Fiscal or by either of the aforesaid Parties, appoint the said Parties to appear before him, when he shall hear them, investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be liable to Appeal or to Suspension, Advocation, or Reduction, or any other Form of Review, except in the Case of any Canal or Railway situated in more than one County, where the Proprietors thereof, feeling themselves aggrieved by any Decision of the Sheriff, may appeal from the same to the Court of Session.

Provision for
Refusal or
Neglect by
Commissioners
of Supply and
others.

LXI. And be it enacted, That in case any Convener or Commissioners of Supply of Counties, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein required of such Persons respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the said Board to apply by summary Petition to the Court of Session, or during the Vacation of the said Court to the Lord Ordinary

Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

LXII. And be it enacted, That the whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to the said Assessments under this Act; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments, in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other Public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Warrants and Proceedings for Recovery of Land and Assessed Taxes applicable to Assessments under this Act.

LXIII. And be it enacted, That the following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context of the Act shall be repugnant to such Construction; that is to say, the Word "Prison" shall extend to and include every Gaol, Bridewell, House of Correction, Penitentiary, Lock-up House, or other House or Place in which Persons may be legally confined as Civil or Criminal Prisoners, having regard in each Case to the Nature of the Prison as declared and intimated by the Board, and to the Description of Prisoners in question; "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and Magistrates and Council of Burghs; "Sheriff" shall include Sheriff Substitute and Stewart Substitute; "landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; "Property," in landward Parts of Counties, shall extend to and include all Descriptions of Property valued in the Cess or Valuation Books of Counties; "Houses" shall extend to and include Dwelling Houses, Shops, Warehouses, Mills, and Manufactories; "Property" in Burghs shall extend to and include Houses, Shops, Warehouses, Mills, Manufactories, Cellars, Gardens, Yards, and all Buildings and Pertinents thereof; "Civil Prisoner" shall include all Persons imprisoned for Civil Debt, or *ad factum præstandum*, or generally at the Instance of a Creditor for Performance of Civil Obligation; "Criminal Prisoner" shall include all other Descriptions of Prisoners; "Person" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular only shall extend to several Persons or Things as well as one Person or Thing; and every Word importing the Plural shall be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male.

Interpretation of Words.

LXIV. And be it enacted, That from and after the First Day of July One thousand eight hundred and forty all Laws, Statutes, and Usages shall be and the same are hereby repealed in so far

All Acts repealed which are at variance with this

as they are at variance or inconsistent with the Provisions of this Act: Provided always, that the same shall continue in force in all other respects.

Act to continue in force for Ten Years.

LXV. And be it enacted, That, unless where otherwise hereinbefore specially provided, this Act shall commence and take effect from the passing thereof, and shall continue in force for the Period of Ten Years from and after the First Day of *January* One thousand eight hundred and forty-one, and from thence to the End of the then next Session of Parliament.

Act may be altered, &c.

LXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

C A P. XLIII.

An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[17th *August* 1839.]

‘ **W**HEREAS it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists for such Militia, or any Part thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

General and Subdivision Meetings relating to the Militia suspended.

Proceedings may be had during such Suspension Order in Council.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*,
and

and *Ireland* respectively relating to the Militia and Corps of Miners of *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

III. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners of *Cornwall* and *Devon* as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

Act to extend to Wardens of Stannaries and to Corps of Miners.

C A P. XLIV.

An Act to prevent, until the End of the next Session of Parliament, Ships clearing out from a *British North American* Port loading any Part of their Cargo of Timber upon Deck.

[17th August 1839.]

WHEREAS great Loss of Life and severe Sufferings have been occasioned amongst the Crews of Ships and Vessels laden with Timber from *British* Ports in *North America*, from the Practice of having a Portion of the Cargo of such Ships stowed on or above Deck: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Part of the Cargo of any Ships or Vessels wholly or in part laden with Timber, and clearing from any *British* Port in *North America*, between the First Day of *September* and the First Day of *May*, to be stowed or placed during any Part of the Voyage upon or above the Deck of such Ship or Vessel; and the Captain or Master of every Ship or Vessel so laden, and clearing from any *British* Port in *North America* between such Days, shall not be permitted to sail without first procuring a Certificate from the clearing Officer that all the Cargo is below Deck.

No Part of Cargo of certain Ships laden with Timber to be placed on the Deck.

II. And be it enacted, That if any Captain, Owner, Supercargo, or other Person having the Command of any such Ship or Vessel shall so place, cause or permit to be so placed, any Part of the Cargo, every such Captain, Owner, Supercargo, or other Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered in like Manner as Penalties for Offences under an Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions on the Continent and Islands of North America, and to make further Provision for regulating the Carriage of Passengers from the United Kingdom*: Provided always, that nothing herein contained shall extend to prevent the carrying upon Deck the necessary Store Spars for the Vessel's Use, or the Removal on Deck of a Portion of the Cargo

Penalty for placing Cargo on Deck.

5 & 6 W. 4. c. 53.

Proviso.

of such Ship or Vessel in Cases where the same may be rendered necessary by the springing a Leak, or other Damage during the Voyage; and nothing in this Act shall apply to any Ship which may have cleared out from any Port in *British North America* before the First Day of *September*, or within Seven Days after Notice of this Act shall have been received at the Custom House of the respective Ports.

Continuance of Act.

III. And be it enacted, That this Act shall continue in force until the End of the next Session of Parliament.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

C A P. XLV.

An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth relating to Highways. [17th August 1839.]

5 & 6 W. 4. c. 50.

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, it is amongst other things by the said Act enacted, that whenever a Railroad shall cross any Highway for Carts or Carriages the Proprietors of the said Railroad shall make and maintain good and sufficient Gates at each of the said Crossings, and shall employ good and proper Persons to attend to the opening and shutting of such Gates, so that the Persons, Carts, or Carriages passing along such Road shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad, and any Complaint for any Neglect in respect of the said Gates shall be made within One Month after the said Neglect to One Justice, who may summon the Party so complained against to appear before the Justices at their next Special Sessions for the Highways, who shall hear and decide upon the said Complaint, and the Proprietor so offending shall forfeit any Sum not exceeding Five Pounds: And whereas it is also by the said Act further enacted, that nothing in this Act contained shall apply to any Turnpike Roads, except where expressly mentioned, or to any Roads, Bridges, Carriage-ways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchyards, or Pavements which now are or may hereafter be paved, repaired, or cleansed, broken up, or diverted, under or by virtue of the Provisions of any Local or Personal Act or Acts of Parliament: And whereas it is deemed expedient to amend the said Provisions in the said Act, and to extend the same to Turnpike Roads in *England*:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That wherever a Railroad crosses or shall hereafter cross any Turnpike Road or any Highway or Statute Labour Road for Carts or Carriages in *Great Britain*, the Proprietors or Directors of the Company of Proprietors of the said Railroad shall make and maintain good

Proprietors of Railroad to maintain Gates where any Railroad crosses the Highway, &c.

good and sufficient Gates across each End of such Turnpike or other Road as aforesaid at each of the said Crossings, and shall employ good and proper Persons to open and shut such Gates, so that the Persons, Carts, or Carriages passing along such Turnpike or Highway shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad; and any Complaint for any Neglect in respect of the said Gates shall be made within One Calendar Month after the said Neglect to any Justice of the Peace, or if in *Scotland* to the Sheriff of the County, who may summon the Party so complained against to appear before them or him at the next Petty Session or Court to be holden for the District or Division within which such Gates are situate, who shall hear and decide upon the said Complaint; and the Proprietor or Director so offending shall for each and every Day of such Neglect forfeit any Sum not exceeding Five Pounds, together with such Costs as to the Justices or Sheriff Depute aforesaid before whom the Conviction shall take place shall seem fit.

Penalty 5*l.* for each Day's Neglect.

II. And be it further enacted, That the Penalties by this Act imposed, and the Costs to be allowed and ordered by the Authority of this Act, shall in *England* be recovered and applied in the same Manner as any Penalties and Costs under the said Act, and in *Scotland* shall be recovered and applied to the Maintenance of the Statute Labour Roads within the District where the Offence is committed.

How Penalties shall be recovered and applied.

III. And be it further enacted, That this Act shall commence and take effect from and after the Thirtieth Day of *September* One thousand eight hundred and thirty-nine.

Commencement of Act.

C A P. XLVI.

An Act to authorize the Trustees of Turnpike Roads to reduce the Scale of Tolls payable for Overweight.

[17th *August* 1839.]

' WHEREAS by an Act passed in the Third Year of the
' Reign of His Majesty King *George* the Fourth, to amend
' the Laws for regulating Turnpike Roads, the Trustees or Com-
' missioners of any Turnpike Road are authorized to cause Weigh-
' ing Machines to be erected at any of the Turnpike Gates under
' their Control, and by a Notice for that Purpose, to be given as
' in the said Act is directed, to order every Waggon or Carriage
' conveying Goods or Merchandize, and coming within One hun-
' dred Yards of such Machine, to be weighed: And whereas by
' the said recited Act, and by virtue of another Act passed in the
' Fourth Year of the Reign of His Majesty King *George* the
' Fourth, also passed for regulating Turnpike Roads, the Trustees
' and Commissioners of any Turnpike Road are authorized to
' receive certain Tolls for Overweight at any Weighing Machines
' so erected: And whereas it is desirable to authorize the Trustees
' or Commissioners of Turnpike Roads upon which such Weighing
' Machines may be erected to reduce the Scale of Tolls payable by
' the said recited Acts, or either of them, for Overweight: Be it
therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,

Trustees
empowered to
reduce addi-
tional Tolls for
Overweight.

and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees or Commissioners of any Turnpike Road may and are hereby empowered, at any Meeting or Meetings to be held for the Purpose (of which Meeting or Meetings and the Purposes thereof Fourteen Days Notice shall be given), to lower the several additional Tolls by the said recited Acts or either of them directed to be taken for Overweight, in such Manner as to them shall seem fit and convenient, and from Time to Time to take such reduced Tolls for Overweight as shall be fixed and agreed on at such Meeting or Meetings.

C A P. XLVII.

An Act for further improving the Police in and near the Metropolis. [17th August 1839.]

10 G. 4. c. 44.

‘ WHEREAS an Act was passed in the Tenth Year of the
‘ Reign of King *George* the Fourth, intituled *An Act for*
‘ *improving the Police in and near the Metropolis*, for the Purpose
‘ of establishing a new and more efficient System of Police in the
‘ Room of the inadequate local Establishments of nightly Watch
‘ and nightly Police, within the Limits in the said Act specified,
‘ therein called “The Metropolitan Police District:” And whereas
‘ the System of Police established under the said Act hath been
‘ found very efficient, and may be yet further improved:’ Be it
‘ therefore enacted by the Queen’s most Excellent Majesty, by and
‘ with the Advice and Consent of the Lords Spiritual and Temporal,
‘ and Commons, in this present Parliament assembled, and by the
‘ Authority of the same, That so much of an Act passed in the
‘ Twenty-ninth Year of the Reign of King *George* the Second, inti-
‘ tuled *An Act for appointing a sufficient Number of Constables for*
‘ *the Service of the City and Liberty of Westminster*, and to compel
‘ *proper Persons to take upon them the Office of Jurymen, to prevent*
‘ *Nuisances and other Offences within the said City and Liberty*, or
‘ of any other Act, as requires or authorizes the Appointment of
‘ any Constables or High Constable at any Court Leet, shall be
‘ repealed from the passing of this Act.

So much of
29 G. 2. c. 25.
as requires the
Appointment of
Constables at
Courts Leet
repealed.

Parts of
Parishes may
be added to the
Police District.

II. ‘ And whereas by the said Act of the Tenth Year of the
‘ Reign of King *George* the Fourth Her Majesty is empowered,
‘ by the Advice of Her Privy Council, to order that any Parishes,
‘ Townships, Precincts, and Places, whether Parochial or Extra-
‘ parochial, in the Counties of *Middlesex, Surrey, Hertford,*
‘ *Essex, and Kent*, of which any Part shall be situated within
‘ Twelve Miles of *Charing Cross* in the City of *Westminster*, shall
‘ be added to and form Part of the Metropolitan Police District:
‘ And whereas the Boundary of the District so formed is very
‘ irregular:’ be it enacted, That it shall be lawful for Her Majesty,
‘ by the Advice of Her Privy Council, to order that any Place
‘ which is Part of the Central Criminal Court District, except the
‘ City of *London* and Liberties thereof, and such Places as are or
‘ may be included in any Act already passed or to be passed in this
‘ Session of Parliament, intituled *An Act for regulating the Police*
‘ *in the City of London*, and also that any Part of any Parish,
‘ Township, Precinct, or Place which is not more than Fifteen
‘ Miles distant from *Charing Cross* in a straight Line may be added
‘ to

2 & 3 Vict. c. xciv.

to and form Part of the Metropolitan Police District, although the whole of such Parish, Township, Place, or Precinct may not be added thereunto; and all the Provisions of this Act, and of the said Act as amended by this Act, shall extend and apply to the Parishes, Townships, Precincts, or Places, or the Parts thereof, so respectively added; and in case no separate Rate shall be levied for the Relief of the Poor in any Place or Part so added, the Police Rate shall be assessed and levied therein in like Manner as in Extra-parochial Places within the Metropolitan Police District in which no Rate is levied for the Relief of the Poor.

III. And be it enacted, That in every Case in which after the passing of this Act any Parish, Township, Precinct, or Place, or any Part thereof, shall become Part of the Metropolitan Police District, it shall be lawful for the Lord High Treasurer or Three or more Commissioners of Her Majesty's Treasury, by Warrant under their Hands and Seals, to direct the Issue, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, of an additional yearly Sum not greater in each Case than the Amount of Two-pence in the Pound upon the additional Rental assessed to the Metropolitan Police by reason of such Addition, free of all Rates, Taxes, and Impositions, to be paid and applied in aid of the Charge of maintaining the Police of the Metropolis, upon the same Conditions, with respect to the District so added to the Metropolitan Police District, as the Issue of a Sum not exceeding Sixty thousand Pounds out of the said Consolidated Fund is authorized, with respect to the Parishes and Places already within the Metropolitan Police District, by an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to authorize the Issue of a Sum of Money out of the Consolidated Fund towards the Support of the Metropolitan Police*; and every Parish, Township, Precinct, or Place, or any Part thereof, within the Counties last aforesaid, which at any Time shall be Part of the Metropolitan Police District, shall be within all the Provisions of the last-recited Act as amended by this Act.

IV. And be it enacted, That an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act to authorize the placing of the Horse Patrol now acting under the Authority of the Chief Magistrate of the Public Office in Bow Street under the Authority of the Justices appointed for the Metropolitan Police District*, is hereby repealed; but notwithstanding the Repeal of the said Act it shall be lawful for Her Majesty to appoint the Justices appointed and to be appointed under the said Act of the Tenth Year of the Reign of King *George* the Fourth to be Justices of the Peace for the Counties of *Berkshire* and *Buckinghamshire*, although they may not be qualified by Estate; and the said Justices shall be empowered to act as Justices in the last-mentioned Counties as fully as in any other Part of the Metropolitan Police District, and not further or otherwise, and shall be styled "The Commissioners of Police of the Metropolis."

V. And be it enacted, That the Constables belonging to the Metropolitan Police Force shall have all the Powers and Privileges of a Constable in the Counties of *Berkshire* and *Buckinghamshire*, and upon the River *Thames* within or adjoining to the several Counties of *Middlesex*, *Surrey*, *Berkshire*, *Essex*, and *Kent*, and

Parishes added
to the District
to be within
3 & 4 W. 4. c. 89.

3 & 4 W. 4. c. 89.

Repeal of
6 & 7 W. 4. c. 50.
with a certain
Limitation.

Metropolitan
Police Con-
stables to act
on the River
Thames, &c.

within or adjoining to the City of *London* and the Liberties thereof, and in and on the several Creeks, Inlets, and Waters, Docks, Wharfs, Quays, and Landing Places, thereto adjacent, and shall act therein and thereupon, as fully as in any Part of the Metropolitan Police District.

Sum required to defray Charges of Thames Police, Horse Patrol, &c.

VI. And be it enacted, That it shall be lawful for the Lord High Treasurer or Three or more Commissioners of Her Majesty's Treasury, by Warrant under their Hands and Seals, to direct the Issue out of the Consolidated Fund of *Great Britain* and *Ireland* to the Receiver of the Metropolitan Police District of a yearly Sum, not greater than Twenty thousand Pounds, free of all Rates, Taxes, and Impositions, for defraying the increased Charge of the Establishment of the Metropolitan Police Force by reason of that Force being required to perform the Duties heretofore performed by the Horse Patrol and by the Surveyors and Constables of the *Thames* Police, and also the Issue of such further Sum as shall be needed for the Payment of the Superannuation Allowances of such Surveyors and Constables as have been superannuated under the Provisions of an Act passed in the Third Year of the Reign of King *George* the Fourth, or any subsequent Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, or who may hereafter become entitled to Superannuation Allowances under the Provisions of any such Act.

Constables may be sworn to act for the Palaces.

VII. And be it enacted, That it shall be lawful for the said Commissioners to administer to any Constable belonging to the Metropolitan Police Force an Oath to execute the Office of Constable within the Royal Palaces of Her Majesty and Ten Miles thereof; and every Constable who shall be so sworn shall have the Powers and Privileges of a Constable within the said Royal Palaces and Ten Miles thereof.

Additional Constables may be appointed at the Cost of Individuals.

VIII. And be it enacted, That it shall be lawful for the said Commissioners of Police, if they shall think fit, on the Application of any Person or Persons showing the Necessity thereof, to appoint and swear any additional Number of Constables to keep the Peace at any Place within the Metropolitan Police District, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the said Commissioners, and for such Time as they shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables belonging to the Metropolitan Police Force: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving One Calendar Month's Notice in Writing to the Commissioners, to require that the Constables so appointed shall be discontinued, and thereupon the Commissioners shall discontinue such additional Constables; and all Monies received on account of any such additional Constables shall be paid to the Receiver of the Metropolitan Police, and shall be accounted for by him in like Manner as other Monies receivable by him.

A Statement of the Number of Persons belonging to the Police Force to be

IX. And be it enacted, That, in addition to the Returns relating to the Metropolitan Police which by former Acts are required to be laid annually before Parliament, there shall also be laid annually before both Houses of Parliament, together with such Returns, a Statement

Statement of the total Number of Persons belonging to the Metropolitan Police Force on the First Day of *January* of the Year in which each Return is laid before Parliament, distinguishing the Number of Persons in each Class or Rank of such Force, with the Salaries and Allowances enjoyed by each Class.

annually laid before Parliament.

X. And be it enacted, That no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van passing along such Road or Bridge in the Service of the Metropolitan Police, provided that the Rider of such Horse or Driver of such Van shall have his Dress and Accoutrements according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not more than Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Exemption from Turnpike Tolls.

XI. And be it enacted, That the said Commissioners of Police shall take care that a sufficient Number of Constables belonging to the Metropolitan Police Force shall be in attendance upon every Magistrate sitting at any Police Court within the Limits of the Metropolitan Police District, and at every other Criminal Court holden within the said District, for the Purpose of executing such Summonses and Warrants as may be directed to them.

Police Constables to attend the Magistrates.

XII. And be it enacted, That after the passing of this Act all Summonses and Warrants to be issued in any Criminal Proceeding within the Metropolitan Police District, or by any Magistrate within the said District, shall be served and executed by a Constable of the Metropolitan Police Force, and by none other.

Summonses and Warrants in Criminal Proceedings to be executed by them.

XIII. And be it enacted, That when any Warrant shall be directed or delivered to any of the said Constables, unless it be necessary for the due Execution thereof that such Warrant be executed without Delay, the Constable shall deliver the same to the Superintendent or other his superior Officer belonging to the Metropolitan Police Force, who shall appoint, by Indorsement thereon, One or more Constables to execute the same; and every Constable whose Name shall be so indorsed shall have the same Powers, Privileges, and Protections for and in the Execution of such Warrant as if the same had been originally directed to him or them by Name.

How Warrants issued to Police Constables may be executed.

XIV. And be it enacted, That every Constable who shall be guilty of any Neglect or Violation of Duty in his Office of Constable shall be liable to a Penalty not more than Ten Pounds, the Amount of which Penalty may be deducted from any Salary then due to such Offender, or, in the Discretion of the Magistrate, may be imprisoned, with or without hard Labour, for any Time not more than One Calendar Month.

Penalty on Constables for Neglect of Duty.

XV. And be it enacted, That no Constable belonging to the Metropolitan Police Force shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Superintendent under whom he may be placed, or unless he shall give to such Superintendent One Calendar Month's Notice of his Intention; and every Constable who shall so resign or withdraw himself without such Leave

Constables not to resign without Leave or Notice.

or

or Notice shall be liable to forfeit all Arrears of Pay then due to him or to a Penalty not more than Five Pounds.

Constables dismissed to deliver up Accoutrements.

XVI. And be it enacted, That every Constable belonging to the Metropolitan Police Force who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty, to the Superintendent, or to such Person and at such Time and Place as shall be directed by the said Superintendent, shall be liable to Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month; and it shall be lawful for any Justice of the Peace to issue his Warrant to search for and seize to the Use of Her Majesty all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Penalty for unlawful Possession of Accoutrements, or for assuming the Dress of Constables.

XVII. And be it enacted, That every Person, not being a Constable of the Metropolitan Police Force, who shall have in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable to a Penalty not more than Ten Pounds.

Penalty for Assaults on Metropolitan Police.

XVIII. And be it enacted, That every Person who shall assault or resist any Person belonging to the Metropolitan Police Force in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not more than Five Pounds, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned for any Time not more than One Calendar Month.

Employment in Police not to prevent receiving Half Pay.

XIX. And be it enacted, That no Office or Employment in the Metropolitan Police Force shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled.

Increased Salary to the Commissioners of Police.

XX. And be it enacted, That, instead of the Salary heretofore payable to the said Commissioners of Police, it shall be lawful for Her Majesty to direct that a Salary not exceeding the Rate of Twelve hundred Pounds by the Year shall be paid quarterly to each of the said Commissioners out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Commissioners, Surgeon, Receiver, and Clerks to be within 4 & 5 W. 4. c. 24.

XXI. And be it declared and enacted, That the said Commissioners of Police, and also the Surgeon, Receiver, and Clerks employed in the Metropolitan Police Office, are within the Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*; and that the Clerks and Officers who were appointed to the said Office in the Year One thousand eight hundred and

and twenty-nine shall be deemed to have been employed therein before the Fourth Day of *August* in that Year.

XXII. And be it enacted, That there shall be deducted from the Pay of every Constable belonging to the Metropolitan Police Force a Sum after such yearly Rate as the Secretary of State shall direct, not being a greater Rate than Two Pounds Ten Shillings in a Hundred Pounds, which Sum so deducted, and also the Monies accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Magistrate upon drunken Persons, or for Assaults upon Police Constables, as shall be directed to be paid to the Receiver for the Benefit of this Fund, and all Monies arising from the Sale of worn or cast Clothing supplied for the Use of the Police, shall from Time to Time be invested in Government Stock by, and in the Name of the Receiver, and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in such Stock, and accumulate so as to form a Fund to be called "The Police Superannuation Fund," and shall be applied from Time to Time for Payment of such Superannuation or retiring Allowances or Gratuities as may be ordered by the Secretary of State at any Time to any of the said Constables as herein-after provided.

Superannuation Fund to be provided for Constables.

XXIII. And be it enacted, That it shall be lawful for the Secretary of State to order that any of the said Constables may be superannuated, and receive thereupon out of the Police Superannuation Fund a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; that is to say, if he shall have served with Diligence and Fidelity for Fifteen Years, and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards an annual Sum not more than Two Thirds of his Pay; provided, that if he shall be under Sixty Years of Age it shall not be lawful to grant any such Allowance, unless upon the Certificate of the said Commissioners of Police that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office; provided also, that if any Constable shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office, it shall be lawful to grant to him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent him from being dismissed without Superannuation Allowance.

Rates of Allowance from the said Fund.

XXIV. ' And whereas it is expedient to amend and simplify the ' Laws now in force relating to Depredations committed on the ' River *Thames*, and in the Docks and Creeks adjacent thereto; ' be it enacted, That from the passing of this Act an Act passed in the Second Year of the Reign of King *George* the Third, intituled *An Act to prevent the committing of Thefts and Frauds by Persons navigating Bumboats and other Boats upon the River Thames*, shall be repealed.

Repeal of 2 G. S. c. 28.

XXV. And be it enacted, That from the First Day of *August* in the Year One thousand eight hundred and thirty-nine every Person who shall use, work, or navigate any Boat whatsoever upon the River *Thames*, for the Purpose of selling, disposing of, or exposing for

Certain Boats subject to Provisions of 7 & 8 G. 4. c. lxxv.

for Sale to and amongst the Seamen or other Persons employed in and about any of the Ships or Vessels upon the said River any Liquors, Slops, or other Articles whatsoever, between *London Bridge* and *Linehouse Hole*, shall be deemed to keep such Boat for Gain, and shall be within all the Provisions of an Act passed in the Eighth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of the Watermen and Lightermen on the River Thames between Yantlet Creek and Windsor*, concerning Persons who keep, within the Limits of the said Act, any Boat to be let out for Hire or Gain.

Persons receiving Ship Stores from Seamen, &c.

XXVI. And be it enacted, That every Person who, within the Metropolitan Police District, shall knowingly take in exchange from any Seaman or other Person, not being the Owner or Master of any Vessel, any thing belonging to any Vessel lying in the River *Thames* or in any of the Docks or Creeks adjacent thereto, or any Part of the Cargo of any such Vessel, or any Stores or Articles in charge of the Owner or Master of any such Vessel, shall be deemed guilty of a Misdemeanor.

Cutting Ropes, Cables, &c.

XXVII. And be it enacted, That every Person who shall unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River *Thames* or in any of the Docks or Creeks adjacent thereto, with Intent to steal or otherwise unlawfully obtain the same or any Part thereof, shall be deemed guilty of a Misdemeanor.

Wilfully letting fall Articles into the Thames or into a Boat, &c. with fraudulent Intention.

XXVIII. And be it enacted, That it shall be lawful for any Constable to take into Custody every Person who, for the Purpose of preventing the Seizure or Discovery of any Materials, Furniture, Stores, or Merchandize belonging to or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River *Thames* or the Docks or Creeks adjacent thereto, or of any other Articles unlawfully obtained from any such Ship or Vessel, shall wilfully let fall or throw into the River, or in any other Manner convey away from any Ship, Boat, or Vessel, Wharf, Quay, or Landing Place, any such Article, or who shall be accessory to any such Offence, and also to seize and detain any Boat in which such Person shall be found, or out of which any Article shall be so let fall, thrown, or conveyed away; and every such Person shall be deemed guilty of a Misdemeanor.

Framing a false Bill of Parcels to escape Detection.

XXIX. And be it enacted, That every Person who, for the Purpose of protecting or preventing any thing whatsoever from being seized within the Metropolitan Police District on Suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as Evidence concerning any Felony or Misdemeanor committed or supposed to be committed within the Metropolitan Police District, shall frame or cause to be framed any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence or the Conveyance by which the same was furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels knowing the same to have been fraudulently framed, shall be deemed guilty of a Misdemeanor.

XXX And

XXX. And be it enacted, That every Person who shall be found within the Metropolitan Police District in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship or Vessel, having in his or her Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquors, or having in his or her Possession any Skin, Bladder, or other Material or Utensil, for the Purpose of unlawfully secreting or carrying away any such Wine, Spirits, or other Liquors, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquors, shall be deemed guilty of a Misdemeanor.

Possessing Instruments for unlawfully procuring and carrying away Wine, &c.

XXXI. And be it enacted, That every Person who shall, within the Metropolitan Police District, bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquors, on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with Intent feloniously to steal or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink or wilfully spill or allow to run to waste any Part of the Contents thereof, shall be deemed guilty of a Misdemeanor.

Piercing Casks, opening Packages, &c.

XXXII. And be it enacted, That every Person who shall, within the Metropolitan Police District, wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other Craft lying in the said River, or any Dock, Creek, Quay, Wharf, or Landing Place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Package or any Part thereof may be spilled or dropped from such Package, shall be deemed guilty of a Misdemeanor.

Breaking Packages with Intent to spill Contents.

XXXIII. And be it enacted, That any Superintendent or Inspector belonging to the Metropolitan Police Force shall have Power, by virtue of his Office, to enter at all Times, with such Constables as he shall think necessary, as well by Night as by Day, into and upon every Ship, Boat, or other Vessel (not being then actually employed in Her Majesty's Service) lying in the said River or Creeks, or in any Dock or Docks thereto adjacent, and into every Part of every such Vessel, for the Purpose of inspecting and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board of any such Vessel in or about the lading or unlading thereof, as the Case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel, and for the effectual Prevention or Detection of any Felonies or Misdemeanors.

Superintendents and Inspectors may board Vessels.

XXXIV. And be it enacted, That it shall be lawful for every Superintendent, Inspector, or Serjeant belonging to the Metropolitan Police Force, having just Cause to suspect that any Felony has been or is about to be committed in or on board of any Ship, Boat, or other Vessel lying in the said River, Docks, or Creeks, to enter at all Times, as well by Night as by Day, into and upon every such Ship, Boat, or other Vessel, and therein to take all necessary Measures for the effectual Prevention or Detection of all Felonies

Superintendent, &c. having just Cause to suspect Felony may enter on board Vessels and take up suspected Persons.

which

which he has just Cause to suspect to have been or to be about to be committed in or upon the said River, Docks, or Creeks, and to take into Custody all Persons suspected of being concerned in such Felonies, and also to take charge of all Property so suspected to be stolen.

Unlawful Quantities of Gunpowder may be seized.

XXXV. And be it enacted, That it shall be lawful for every Superintendent or Inspector belonging to the Metropolitan Police Force, with such Constables as he shall think necessary, at any Time between Sun-rising and Sun-setting, to enter any Ship, Boat, or Vessel (except Her Majesty's Ships) in the said River, Docks, and Creeks, and to search the same for unlawful Quantities of Gunpowder, and also to exercise the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship, Boat, or Vessel, and the Barrels or other Packages in which such Gunpowder shall be, as are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by virtue of an Act passed in the Twelfth Year of the Reign of King *George the Third*, intituled *An Act to regulate the making, keeping, and Carriage of Gunpowder within Great Britain, and to repeal the Laws heretofore made for any of those Purposes.*

12 G. 3. c. 61.

Penalty for having on board Guns loaded with Ball, or discharging Guns in the Night.

XXXVI. And be it enacted, That every Master or Commander or other Officer of any Ship, Boat, or Vessel (except Her Majesty's Ships) who, while such Ship or Vessel shall lie or be in the River *Thames* between *Westminster Bridge* and *Blackwall*, keep any Gun on board such Ship, Boat, or Vessel shotted or loaded with Ball, or cause or permit to be fired any Gun on board such Ship, Boat, or Vessel before Sun-rising or after Sun-setting, shall be liable for every Gun so kept shotted or loaded to a Penalty of Five Shillings, and for every Gun so fired shall be liable to a Penalty of Ten Shillings.

Penalty for heating combustible Matters on board of Vessels.

XXXVII. And be it enacted, That every Master or Commander or other Officer of any such Ship, Boat, or Vessel, or any other Person on board of the same, who, while such Ship, Boat, or Vessel shall lie in the said River between *Westminster Bridge* and *Blackwall*, shall heat or melt, or cause or permit to be heated or melted, on board such Ship, Boat, or Vessel, any Pitch, Tar, Rosin, Grease, Tallow, Oil, or other combustible Matter, shall for every such Offence be liable to a Penalty not more than Five Pounds.

Penalty on keeping Fairs open within forbidden Hours.

XXXVIII. And be it enacted, That the Business and Amusements of all Fairs holden within the Metropolitan Police District shall cease at the Hour of Eleven in the Evening, and shall not begin earlier than the Hour of Six in the Morning; and that if any House, Room, Booth, Standing, Tent, Caravan, Waggon, or other Place, shall, during the Continuance of any such Fair, be open within the Hours of Eleven in the Evening and Six in the Morning, for any Purpose of Business or Amusement, in the Place where such Fair shall be holden, it shall be lawful for any Constable to take into Custody the Person having the Care or Management thereof, and also every Person being therein who shall not quit the same forthwith upon being bidden by such Constable so to do; and the Person so then having the Care or Management of any such House, Room, Booth, Standing, Tent, Caravan, Waggon, or other Place shall be liable to a Penalty not more than

Five Pounds, and every Person convicted of having been therein, and of not having quitted the same forthwith upon being bidden by a Constable so to do, shall be liable to a Penalty not more than Forty Shillings.

XXXIX. And be it enacted, That if it shall appear to the Commissioners of Police that any Fair usually holden within the Metropolitan Police District has been holden without lawful Authority, or that any Fair lawfully holden within the said District has been usually holden for a longer Period than is so warranted, it shall be competent to such Commissioners to direct one of the Superintendents belonging to the Metropolitan Police Force to summon the Owner or Occupier of the Ground upon which such Fair is usually holden to appear before a Magistrate at a Time and Place to be specified in the Summons, not less than Eight Days after the Service of the Summons, to show his Right and Title to hold such Fair, or to hold such Fair beyond a given Period (as the Case may be); and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not show to the Magistrate who shall hear the Case sufficient Cause to believe that such Fair has been lawfully holden for the whole Period during which the same has been usually holden, the Magistrate shall declare in Writing such Fair to be unlawful, either altogether or beyond a stated Period (as the Case may be); and the Commissioners shall give Notice of such Declaration by causing Copies thereof to be affixed on the Parish Church and on other public Places in and near the Ground where such Fair has been usually holden; and if, after such Notices have been affixed for the Space of Six Days, any Attempt shall be made to hold such Fair if it shall be declared altogether unlawful, or to hold it beyond the prescribed Period if it shall be declared unlawful beyond a certain Period, the Commissioners of Police may direct any Constable to remove every Booth, Standing, and Tent, and every Carriage of whatsoever Kind conveyed to or being upon the Ground for the Purpose of holding or continuing such Fair, and to take into Custody every Person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such Booth, Standing, or Tent, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Show or Instrument of Gambling or Amusement; and every Person convicted before a Magistrate of any of the Offences last aforesaid shall be liable to a Penalty not more than Ten Pounds.

XL. Provided nevertheless, and be it enacted, That if the Owner or Occupier of the Ground whereon any such Fair has been usually holden shall, when summoned before the Magistrate, enter into a Recognizance in the penal Sum of Two hundred Pounds (which Recognizance such Magistrate is hereby authorized to take), with Condition to appear in the Court of Queen's Bench on the First Day of the then next Term, and to answer to any Information which Her Majesty's Attorney or Solicitor General may exhibit against such Owner or Occupier touching his Right and Title to such Fair, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court, which Costs the said Court is hereby authorized to award, then, notwithstanding the Magistrate may have declared such Fair to be unlawful,

Fairs within the Metropolitan Police District may be inquired into.

If declared unlawful, Booths, &c. to be removed.

On entering into Recognizance, Question as to Right of Title to Fair may be tried in the Queen's Bench.

the

the Commissioners of Police shall forbear from giving Notice of such Declaration, and from taking any further Measures thereon, until Judgment shall be given by the said Court against the Right and Title to such Fair; and the Magistrate taking such Recognizance shall forthwith transmit the same to One of Her Majesty's Principal Secretaries of State, to the end that the same may be filed in the said Court, and such further Directions may be given thereon as to such Secretary of State may seem fit.

Freemen of
Vintners Com-
pany subject to
certain Pro-
visions.

XLII. And be it declared and enacted, That after the passing of this Act every Person who by reason of his or her Freedom of the Mystery or Craft of Vintners of the City of *London*, or of any Right or Privilege of such Mystery, shall claim to be entitled to sell Foreign Wine by Retail, to be drunk or consumed on the Premises within the Metropolitan Police District, without Licence, shall be subject to all the Provisions of all Acts made for the Regulation of Persons so licensed (except those Provisions which require or refer to the taking out of a Licence either from any Justice of the Peace or from the Commissioners of Excise), and, in the Case of any Offence committed by him or her against the Tenor of the Licence granted under the Provisions of any Act for the Sale of exciseable Liquors by Retail to be drunk or consumed on the Premises, shall be liable to be dealt with, proceeded against, and punished in like Manner as if selling Wine by Licence and not by virtue of such Claim or Privilege.

Public Houses
to be shut on
the Mornings of
Sundays, &c.

XLII. And be it enacted, That no Licensed Victualler or other Person shall open his House within the Metropolitan Police District for the Sale of Wine, Spirits, Beer, or other fermented or distilled Liquors on *Sundays, Christmas Day, and Good Friday* before the Hour of One in the Afternoon, except Refreshment for Travellers.

Publicans pro-
hibited from
supplying
Liquors to
Persons under
Sixteen Years
of Age.

XLIII. And be it enacted, That every Person licensed to deal in exciseable Liquors within the said District who shall knowingly supply any Sort of distilled exciseable Liquor to any Boy or Girl apparently under the Age of Sixteen Years, to be drunk upon the Premises, shall be liable to a Penalty not more than Twenty Shillings, and upon Conviction of a Second Offence shall be liable to a Penalty not more than Forty Shillings, and upon Conviction of a Third Offence shall be liable to a Penalty not more than Five Pounds.

Regulations of
9 G. 4. c. 61.
respecting
Public Houses
to extend to
other Houses of
public Resort.

XLIV. ' And whereas it is expedient that the Provisions made by Law for preventing disorderly Conduct in the Houses of ' Licensed Victuallers be extended to other Houses of public ' Resort; ' be it enacted, That every Person who shall have or keep any House, Shop, Room, or Place of public Resort within the Metropolitan Police District, wherein Provisions, Liquors, or Refreshments of any Kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, shall for every such Offence be liable to a Penalty of not more than Five Pounds: Provided always, that if the Offender be a Licensed Victualler, or licensed

licensed to sell Beer by Retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the Licence to him granted.

XLV. And be it enacted, That every Person who shall make or use, or allow to be made or used, any internal Communication between any House, Shop, Room, or Place of public Resort not licensed for the Sale of Wine, Spirits, Beer, or other exciseable Articles within the said District, and any House, Shop, Room, or Place licensed for the Sale of Wine, Spirits, Beer, or other exciseable Articles, or in which Wine is sold by a Free Vintner, shall be liable to a Penalty not more than Ten Pounds for every Day that such Communication shall be open.

Penalty on Keepers of Cook Shops, &c. making internal Communication with an adjoining Public House.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners of Police, by Order in Writing, to authorize any Superintendent belonging to the Metropolitan Police, with such Constables as he may think necessary, to enter into any House or Room kept or used within the said District for Stage-plays or Dramatic Entertainments into which Admission is obtained by Payment of Money, and which is not a licensed Theatre, at any Time when the same shall be open for the Reception of Persons resorting thereto, and to take into Custody all Persons who shall be found therein without lawful Excuse; and every Person keeping, using, or knowingly letting any House or other Tenement for the Purpose of being used as an unlicensed Theatre shall be liable to a Penalty not more than Twenty Pounds, or in the Discretion of the Magistrate may be committed to the House of Correction, with or without hard Labour, for a Time not more than Two Calendar Months; and every Person performing or being therein without lawful Excuse shall be liable to a Penalty not more than Forty Shillings, and a Conviction under this Act for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, or Tenement from any Penalty or penal Consequences to which he may be liable for keeping a disorderly House, or for the Nuisance thereby occasioned.

Power to enter unlicensed Theatres, and take away Persons found there.

XLVII. And be it enacted, That every Person who within the Metropolitan Police District shall keep or use, or act in the Management of any House, Room, Pit, or other Place for the Purpose of fighting or baiting Lions, Bears, Badgers, Cocks, Dogs, or other Animals, shall be liable to a Penalty not more than Five Pounds, or in the Discretion of the Magistrate may be committed to the House of Correction, with or without hard Labour, for a Time not more than One Calendar Month; and it shall be lawful for the Commissioners of Police, by Order in Writing, to authorize any Superintendent belonging to the Metropolitan Police Force, with such Constables as he shall think necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons who shall be found therein without lawful Excuse, and every Person so found shall be liable to a Penalty not more than Five Shillings, and a Conviction under this Act of this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any Penalty or penal Consequence to which he may be liable for the Nuisance thereby occasioned.

Places used for Bear-baiting, Cock-fighting, &c.

Commissioners empowered to authorize Superintendents of Police to enter Gaming Houses.

XLVIII. And be it enacted, That if any Superintendent belonging to the Metropolitan Police Force shall report in Writing to the said Commissioners that there are good Grounds for believing any House or Room, within the Metropolitan Police District, to be kept or used as a common Gaming House, and if Two or more Householders dwelling within the said District, and not belonging to the Metropolitan Police Force, shall make Oath in Writing, to be by them taken and subscribed before a Magistrate, and annexed to the said Report, which Oath every Magistrate is hereby empowered to administer and receive, that the Premises complained of by the Superintendent are commonly reported and are believed by the Deponents to be kept or used as a common Gaming House, it shall be lawful for the Commissioners, by Order in Writing, to authorize the Superintendent to enter any such House or Room, with such Constables as shall be directed by the Commissioners to accompany him, and, if necessary, to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize and destroy all Tables and Instruments of gaming found in such House or Premises, and also to seize all Monies and Securities for Money found therein; and the Owner or Keeper of the said Gaming House, or other Person having the Care and Management thereof, and also every Banker, Croupier, and other Person who shall act in any Manner in conducting the said Gaming House, shall be liable to a Penalty not more than One hundred Pounds, or, in the Discretion of the Magistrate before whom he shall be convicted of the Offence, may be committed to the House of Correction, with or without hard Labour, for a Time not more than Six Calendar Months; and upon Conviction of any such Offender all the Monies and Securities for Monies which shall have been seized as aforesaid shall be paid to the said Receiver, to be by him applied towards defraying the Charge of the Police of the Metropolis; and every Person found in such Premises without lawful Excuse shall be liable to a Penalty not more than Five Pounds: Provided always, that nothing herein contained shall prevent any Proceeding by Indictment against the Owner or Keeper or other Person having the Care or Management of any Gaming House; but no Person shall be proceeded against by Indictment and also under this Act for the same Offence.

Proof of gaming for Money, &c. not necessary in support of Informations.

XLIX. And be it enacted, That it shall not be necessary, in support of any Information for gaming in, or suffering any Games or gaming in, or for keeping or using or being concerned in the Management or Conduct of a common Gaming House, under this Act, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Penalty on Pawnbrokers taking Pledges from Persons under 16.

L. And be it enacted, That after the passing of this Act every Pawnbroker within the Metropolitan Police District, and every Agent or Servant employed by any such Pawnbroker, who shall purchase or receive or take any Goods or Chattels in Pawn or Pledge of or from any Person apparently under the Age of Sixteen Years shall be liable to a Penalty not more than Five Pounds.

Empowering the Commissioners of Police

LI. And be it enacted, That on the Application of the Minister or Churchwardens of any Church, Chapel, or other Place of Public Worship

Worship within the Metropolitan Police District to the Commissioners of Police, it shall be lawful for the said Commissioners to make Orders for regulating the Route and Conduct of Persons who shall drive any Cart or Carriage, or who shall drive any Cattle, Sheep, Pigs, or other Animals, within such Parish or Place during the Hours of Divine Service on *Sunday, Christmas Day, Good Friday*, or any Day appointed for a public Fast or Thanksgiving, and any Orders which shall be so made shall be printed and affixed on or near the Church, Chapel, or Place of Public Worship to which the same shall refer, and in some conspicuous Places leading to and contiguous thereto, and elsewhere, as the Commissioners of Police shall direct; and every Breach of any such Order shall be deemed a separate Offence.

LII. And be it enacted, That it shall be lawful for the Commissioners of Police from Time to Time, and as Occasion shall require, to make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets and Thoroughfares within the Metropolitan Police District, in all Times of public Processions, public Rejoicings, or Illuminations, and also to give Directions to the Constables for keeping Order and for preventing any Obstruction of the Thoroughfares in the immediate Neighbourhood of Her Majesty's Palaces and the Public Offices, the High Court of Parliament, the Courts of Law and Equity, the Police Courts, the Theatres, and other Places of public Resort, and in any Case when the Streets or Thoroughfares may be thronged or may be liable to be obstructed.

LIII. And be it enacted, That no Proprietor of any Stage Carriage duly licensed to carry Passengers for Hire shall be liable to any Penalty for any Deviation from the Route or Line of Route specified in his Licence, which the Driver of such Stage Carriage shall make by virtue of any Regulation or Direction made or given by the Commissioners of Police.

LIV. And be it enacted, That every Person shall be liable to a Penalty not more than Forty Shillings, who, within the Limits of the Metropolitan Police District, shall, in any Thoroughfare or public Place, commit any of the following Offences; (that is to say,)

1. Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show or Sale (except in a Market lawfully appointed for that Purpose) or feed or fodder any Horse or other Animal, or show any Caravan containing any Animal, or any other Show or public Entertainment, or shoe, bleed, or farry any Horse or Animal, (except in Cases of Accident,) or clean, dress, exercise, train, or break any Horse or Animal, or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary:
2. Every Person who shall turn loose any Horse or Cattle, or suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:
3. Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle,

to regulate the Route and Conduct of Persons driving Stage Carriages, Cattle, &c. during the Hours of Divine Service;

and to make Regulations for preventing Obstructions in the Streets during public Processions, &c.

Proprietors of Stage Carriages not liable to Penalties for deviating from Route.

Prohibition of Nuisances by Persons in the Thoroughfares.

or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle, and also every Person not being hired or employed to drive such Cattle who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :

4. Every Person having the Care of any Cart or Carriage who shall ride on any Part thereof, on the Shafts, or on any Horse or other Animal drawing the same, without having and holding the Reins, or who shall be at such a Distance from such Cart or Carriage as not to have the complete Control over every Horse or other Animal drawing the same :
5. Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :
6. Every Person who shall cause any Cart, public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place not forbidden by Law, or who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare :
7. Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone, or fasten any Horse or other Animal so that it can stand across or upon any Footway :
8. Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Showboard, or Placard, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :
9. Every Person who, after being made acquainted with the Regulations or Directions which the Commissioners of Police shall have made for regulating the Route of Horses, Carts, Carriages, and Persons during the Time of Divine Service, and for preventing Obstructions during public Processions, and on other Occasions herein-before specified, shall wilfully disregard or not conform himself thereunto :
10. Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appurtenance thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden :
11. Every common Prostitute or Nightwalker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation to the Annoyance of the Inhabitants or Passengers :

12. Every

12. Every Person who shall sell or distribute or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language to the Annoyance of the Inhabitants or Passengers :
13. Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :
14. Every Person, except the Guards and Postmen belonging to Her Majesty's Post Office in the Performance of their Duty, who shall blow any Horn or use any other noisy Instrument, for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :
15. Every Person who shall wantonly discharge any Fire-arm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :
16. Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door-bell or knocking at any Door without lawful Excuse, or who shall wilfully and unlawfully extinguish the Light of any Lamp :
17. Every Person who shall fly any Kite or play at any Game to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow in any Street or other Thoroughfare, to the common Danger of the Passengers :

And it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody, without Warrant, any Person who shall commit any such Offence within View of any such Constable.

LV. And be it enacted, That no Person other than Persons acting in obedience to lawful Authority shall discharge any Cannon or other Fire-arm of greater Calibre than a common Fowling Piece within Three hundred Yards of any Dwelling House within the said District to the Annoyance of any Inhabitant thereof, and every Person who, after being warned of the Annoyance by any Inhabitant, shall discharge any such Fire-arm shall be liable to a Penalty not more than Five Pounds.

Cannon, &c. not to be fired near Dwelling Houses.

LVI. And be it enacted, That after the First Day of *January* next every Person who within the Metropolitan Police District shall use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow shall be liable to a Penalty not more than Forty Shillings for the First Offence, and not more than Five Pounds for the Second or any following Offence.

Dog Carts, &c. prohibited after 1st January 1840.

LVII. And be it enacted, That it shall be lawful for any Householder within the Metropolitan Police District, personally, or by his Servant, or by any Police Constable, to require any Street Musician to depart from the Neighbourhood of the House of such

Street Musicians to depart when desired so to do.

Householder on account of the Illness of any Inmate of such House, or for other reasonable Cause, and every Person who shall sound or play upon any Musical Instrument in any Thoroughfare near any House after being so required to depart shall be liable to a Penalty not more than Forty Shillings.

Drunkards
guilty of riotous
or indecent
Behaviour may
be imprisoned.

LVIII. And be it enacted, That every Person who shall be found drunk in any Street or public Thoroughfare within the said District, and who while drunk shall be guilty of any riotous or indecent Behaviour, and also every Person who shall be guilty of any violent or indecent Behaviour in any Police Station House, shall be liable to a Penalty of not more than Forty Shillings for every such Offence, or may be committed, if the Magistrate before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary Penalty, to the House of Correction for any Time not more than Seven Days.

Persons using
Carriages with-
out Driver's
Consent liable
to Penalty.

LIX. And be it enacted, That every Person who shall ride upon or cause himself to be carried or drawn by any Carriage within the Metropolitan Police District without the Consent of the Owner or Driver thereof, shall be liable to a Penalty not more than Five Shillings, or if a Child apparently under the Age of Twelve Years it shall be lawful for the Magistrate to cause such Child to be detained until his Parent or Guardian can attend for the Purpose of having such Child delivered into his Care, and if such Parent or Guardian do not so attend before the closing of the Police Court for the Day it shall be lawful for the Magistrate to order such Child to be discharged.

Prohibition of
other Nuisances.

LX. And be it enacted, That every Person who, in any Street or public Place within the Limits of the Metropolitan Police District, shall be guilty of any of the following Offences, shall be liable to a Penalty not more than Forty Shillings for every such Offence; (that is to say,)

1. Every Person who in any Thoroughfare shall burn, dress, or cleanse any Cork, or hoop, cleanse, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime :
2. Every Person who shall throw or lay in any Thoroughfare any Coals, Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials, or Rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any Mischief happening to Passengers):
3. Every Person who in any Thoroughfare shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight in the Morning), or throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughterhouse, Butcher's Shop, or Dunghill, into any Thoroughfare, or any uncovered Place, whether or not surrounded by a Wall or Fence; but it shall not be deemed an Offence to lay Sand or other Materials in any Thoroughfare in Time of Frost to prevent Accidents, or Litter or other Materials to prevent

prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease :

4. Every Person who shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night Soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled ; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender : Provided always, that this Enactment shall not be construed to prevent the Commissioners of any Sewers within the Metropolitan Police District, or any Person acting in their Service or by their Direction, from emptying or removing along any Thoroughfare at any Time the Contents of any Sewer which they are authorized to cleanse or empty :
5. Every Person who shall keep any Pigstye to the Front of any Street or Road in any Town within the said District, not being shut out from such Street or Road by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance :
6. Every Occupier of a House or other Tenement in any Town within the said District who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining to the Premises occupied by him ; and if any Tenement be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment :
7. Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner or other Person authorized to give such Consent, or upon or so as to hang over any Carriageway or Footway, or on the Outside of any House or Shop, or who shall set up or continue any Pole, Blind, Awning, Line, or any other Projection from any Window, Parapet, or other Part of any House, Shop, or other Building, so as to cause any Annoyance or Obstruction in any Thoroughfare :
8. Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room underground, without a sufficient Fence or Handrail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto.

Mad Dogs, &c.

LXI. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police Force to destroy any Dog or other Animal reasonably suspected to be in a rabid State, or which has been bitten by any Dog or Animal reasonably suspected to be in a rabid State; and the Owner of any such Dog or Animal who shall permit the same to go at large after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not more than Five Pounds.

Compensation for Hurt or Damage not exceeding 10l.

LXII. And be it enacted, That every Person who, by committing any Offence herein forbidden within the said District, shall have caused any Hurt or Damage to any Person or Property, may be apprehended, with or without any Warrant, by any Constable, and if he shall not, upon Demand, make Amends for such Hurt or Damage to the Satisfaction of the Person aggrieved, he shall be detained by the Constable in order to be taken before a Magistrate, and upon Conviction shall pay such a Sum, not more than Ten Pounds, as shall appear to the Magistrate before whom he shall be convicted to be reasonable Amends to the Person aggrieved, besides any Penalty to which he may be liable for the Offence, and the Evidence of the Person aggrieved shall be admitted in Proof of the Offence: Provided always, that if the Person aggrieved shall have been the only Witness examined in Proof of the Offence the Sum ordered as Amends shall be paid and applied in the same Manner as a Penalty.

Constables may apprehend any Offender whose Name and Residence are not known.

LXIII. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police District, and for all Persons whom he shall call to his Assistance, to take into Custody, without a Warrant, any Person who within View of any such Constable shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

Constables may apprehend without Warrant in certain Cases.

LXIV. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police to take into Custody, without a Warrant, all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom he shall find between Sunset and the Hour of Eight in the Morning lying or loitering in any Highway, Yard, or other Place, and not giving a satisfactory Account of themselves.

Persons charged with recent Assaults may be apprehended without Warrant.

LXV. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody, without Warrant, any Person who within the Limits of the Metropolitan Police District shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Power to Police Constables and Persons ag-

LXVI. And be it enacted, That any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor

meanor upon summary Conviction, by virtue of this Act, may be taken into Custody without a Warrant by any Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every such Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that any thing stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner any thing stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and if in his Power is required, to apprehend and detain, and as soon as may be to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law.

grieved to apprehend certain Offenders.

LXVII. And be it enacted, That it shall be lawful for any Constable to stop and detain, until due Inquiry can be made, all Carts and Carriages which he shall find employed in removing the Furniture of any House or Lodging between the Hours of Eight in the Evening and Six in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Removing Furniture to evade Rent.

LXVIII. And be it enacted, That whenever any Person having Charge of any Horse, Cart, Carriage, or Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had Charge thereof may become liable, and for Payment of any Expences which may have been necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Magistrate before whom the Case shall have been heard to order such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, to be sold, for the Purpose of satisfying such Penalty, and reasonable Expences in default of Payment thereof, in like Manner as if the same had been subject to be distrained, and had been distrained for the Payment of such Penalty and reasonable Expences.

Horses, Carriages, &c. of Offenders may be detained.

LXIX. And be it enacted, That every Person taken into Custody by any Constable belonging to the Metropolitan Police, without Warrant, except Persons detained for the mere Purpose of ascertaining their Name or Residence, shall be forthwith delivered into the Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before a Magistrate, to be dealt with according to Law, or may give Bail for his Appearance before a Magistrate,

Persons apprehended without Warrant to be taken to the Station House.

if

if the Constable in charge shall deem it prudent to take Bail in the Manner herein-after mentioned.

Power to take Recognizances at Station Houses on petty Charges.

LXX. And be it enacted, That whenever any Person charged with any Offence of which he is liable to be summarily convicted before a Magistrate, or with having carelessly done any Hurt or Damage, shall be, without the Warrant of a Magistrate, [in the Custody of any Constable of the Metropolitan Police in charge of any Station House during the Time when the Police Courts shall be shut, it shall be lawful for such Constable, if he shall deem it prudent, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Power to bind over Persons making Charges.

LXXI. And be it enacted, That whenever any Person charged with any Felony, or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be, without Warrant, in the Custody of any Constable of the Metropolitan Police, at any Station House, during the Time when the Police Courts shall be shut, it shall be lawful for the Constable in Charge of the Station House to require the Persons making such Charge to enter into a Recognizance conditioned as herein-after mentioned, and upon his or her Refusal so to do it shall be lawful for such Constable, if he shall deem it prudent, to discharge from Custody the Person so charged, upon his or her Recognizance, with or without Sureties, conditioned as herein-after mentioned.

Condition of Recognizance.

LXXII. And be it enacted, That every Recognizance so taken shall be without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Magistrate of the District in which such Station House shall be situated, at his next Sitting, and the Time and Place of Appearance shall be specified in the Recognizance; and the Constable shall enter in a Book, to be kept for that Purpose at every such Station House, the Name, Residence, and Occupation of the Party, and his Surety or Sureties (if any) entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Magistrate present at the Time and Place when and where the Party is bound to appear.

Penalty for Offences for which no Penalty is appointed.

LXXIII. And be it enacted, That for every Misdemeanor or other Offence against this Act for which no special Penalty is herein-before appointed, the Offender shall, at the Discretion of the Magistrate before whom the Conviction shall take place, either be liable to a Penalty not more than Five Pounds, or be imprisoned for any Time not more than One Calendar Month in any Gaol or House of Correction within the Jurisdiction of such Magistrate.

Not to repeal Local Acts containing Penalties.

LXXIV. Provided always, and be it enacted, That nothing herein contained shall be construed to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act or Acts to any other or higher Penalty or Punishment than is provided for such Offence by this Act, so nevertheless that no Person be punished twice for the same Offence.

Meaning of the Word Magistrate.

LXXV. And be it enacted, That in the Construction of this Act the Word "Magistrate" shall be taken to mean and include every Justice of the Peace appointed to be a Magistrate of the Police Courts of the Metropolis, and also every Justice of the Peace acting

acting in and for any Part of the Metropolitan Police District for which no Police Court shall be established.

LXXVI. And be it enacted, That every such Magistrate shall be empowered summarily to convict any Person charged with any Offence against this Act, on the Oath of One or more Witnesses or by his own Confession, and to award the Penalty or Punishment herein provided for such Offence; and the Matter of such Complaint shall be heard and determined by One of the Justices appointed to be a Magistrate of the Police Courts of the Metropolitan at one of the said Police Courts; or if the Offence shall have been committed or the Offender apprehended in any Part of the Metropolitan Police District for which no Police Court shall be established as aforesaid, the Matter of such Complaint may be also heard and determined by any Two or more Justices acting in and for the County in which the Offence was committed or the Offender apprehended.

Offences how
to be tried.

LXXVII. And be it enacted, That in every Case of the Adjudication of a pecuniary Penalty or Amends under this Act, and Nonpayment thereof, it shall be lawful for the Magistrate to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not more than One Calendar Month, where the Sum to be paid shall not exceed Five Pounds, the Imprisonment to cease on Payment of the Sum due; and the Costs for the Recovery thereof, and so much of every such pecuniary Penalty as shall not be awarded to the Informer or other Persons who have contributed to the Conviction, shall be paid to the Receiver of the Metropolitan Police for the Purposes of this Act; and the Residue thereof, under the Direction of the Magistrate by whom the same shall have been adjudged, shall be paid and applied either to the Use of the Informer alone or to the Use of such Persons as shall have contributed to the Conviction of the Offender, in such Shares and Proportions as such Magistrate shall think fit.

If Penalty is
not paid the
Offender may
be committed.

LXXVIII. And be it enacted, That in the Construction of this Act, unless there be something in the Context repugnant thereto, any Word denoting the Singular Number or the Male Sex shall be taken to extend to any Number of Persons or Things and to both Sexes; and that all Things herein authorized to be done by the Commissioners of Police of the Metropolis may be done by either of them.

Interpretation
Clause.

LXXIX. And be it enacted, That this Act shall be construed as one Act with the said Act passed in the Tenth Year of the Reign of King *George* the Fourth for the Improvement of Police in and near the Metropolis; and that all the Provisions of the said Act, except so far as is herein otherwise provided, shall extend to this Act, and to all Things done in execution of this Act.

This Act to be
construed with
10 G. 4. c. 44.

LXXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be
amended, &c.

C A P. XLVIII.

An Act to amend Two Acts, of the Third and Fourth and Fourth and Fifth Years of His late Majesty King *William* the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in *Ireland*.

[17th August 1839.]

‘ **W**HEREAS an Act was passed in the Session of Parliament
 ‘ held in the Fourth and Fifth Years of the Reign of His
 4 & 5 W. 4. c. 8. ‘ late Majesty King *William* the Fourth, intituled *An Act to amend*
 ‘ *an Act passed in the last Session, for consolidating and amending*
 ‘ *the Laws relative to Jurors and Juries in Ireland*, reciting that
 3 & 4 W. 4. c. 91. ‘ by an Act passed in the last Session of Parliament, intituled *An*
 ‘ *Act for consolidating and amending the Laws relative to Jurors*
 ‘ *and Juries in Ireland*, it was amongst other things enacted, “that
 ‘ the Justices assembled at every *October* General or Quarter Ses-
 ‘ sions of the Peace to be holden in each Division of each County
 ‘ at large, and the Justices for and in each County of a City and
 ‘ County of a Town, in *Ireland*, should, at a Sessions to be holden
 ‘ at *October* in every Year, fix a Place within such Division, and
 ‘ within such Counties of Cities and Counties of Towns respec-
 ‘ tively, and also a Time not less than Two nor more than Three
 ‘ Calendar Months after the first Day of such General or Quarter
 ‘ Sessions, for holding a Special Sessions for the Purpose of ex-
 ‘ amining the Lists of Jurors in the said Act mentioned, pursuant
 ‘ to the Provisions thereof therein-after contained;” and further
 ‘ reciting, that “the Periods so prescribed for the holding of such
 ‘ Special Sessions had been found inconvenient, by reason of their
 ‘ approaching so nearly to the End of the current Year as not to
 ‘ leave convenient Time for the making out of the Jurors Book
 ‘ for the next ensuing Year;” and it was by the said Act of the
 ‘ Fourth and Fifth Years of His said late Majesty enacted, “that
 ‘ the Justices assembled at any *October* General or Quarter Ses-
 ‘ sions of the Peace to be holden in each Division of each County
 ‘ at large, and each County of a City and County of a Town, in
 ‘ *Ireland*, should fix a Place within such Cities and Counties of
 ‘ Towns respectively, and also a Time not less than One Lunar
 ‘ Month nor more than Six Weeks after the first Day of such
 ‘ *October* General or Quarter Sessions, for holding a Special Ses-
 ‘ sions for the Purpose of examining the List of Jurors, as by the
 ‘ said Act of the Third and Fourth Years of the Reign of His
 ‘ said late Majesty directed, and that the several Provisions and
 ‘ Clauses of the said last-mentioned recited Act, relating to the
 ‘ Special Sessions, thereby directed to be fixed at the *October* Ses-
 ‘ sions, should be extended and applied to and be in force with
 ‘ respect to the Special Sessions by the said Act of the Fourth and
 ‘ Fifth Years of the Reign of His said late Majesty required to be
 ‘ fixed:” And whereas in some Places the Provisions of the said
 ‘ Acts, or of either of them, have not been carried into operation
 ‘ by reason of the Want of a sufficient Number of Justices attend-
 ‘ ing upon the Day fixed for the holding of a Special Sessions for
 ‘ the Purpose of examining the List of Jurors:’ Be it therefore
 enacted by the Queen’s most Excellent Majesty, by and with the
 Advice

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which in any County at large or any Division thereof, or in any County of a City or County of a Town, such Special Sessions shall not be effectually held for the Purpose aforesaid, whether by reason of a sufficient Number of Justices not attending, or by reason of a Day or Place not being fixed for the holding of such Sessions, or for any other Cause, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Warrant under his or their Hand or Hands, of which a Copy shall be published in the *Dublin Gazette* and in some one Newspaper circulating in such County, to fix any Day not sooner than Fourteen Days from the Publication of the same in such Gazette, and also a Place in such County or Division, or County of a City or County of a Town, for holding a Special Sessions for the Purpose of examining the List of Jurors, as in the said Act of the Third and Fourth Years of the Reign of His said late Majesty is directed; and that the several Provisions and Clauses of the said last-mentioned Act relating to the said Special Sessions, thereby directed to be fixed at the *October Sessions*, shall be extended and applied to and be in force with respect to the Special Sessions to be fixed by virtue of this Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

If Special Sessions for examining Jury Lists have not been duly held, the Lord Lieutenant may appoint a Special Sessions for the Purpose.

Act may be amended, &c.

C A P. XLIX.

An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne; and for other Purposes. [17th August 1839.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King George the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and render more effectual Two Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of the Reign of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said

58 G. 3. c. 45.

59 G. 3. c. 134.

3 G. 4. c. 72.

5 G. 4. c. 108.

- 7 & 8 G. 4. c. 72. ' said Majesty King *George* the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*:' And whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty's Commission for building new Churches*: And whereas another Act was passed in the First and Second Years of the Reign of Her said Majesty Queen *Victoria*, intituled *An Act to amend and render more effectual the Church Building Acts*: And whereas another Act was passed in the First Year of the Reign of His Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intention for augmenting the Maintenance of the poor Clergy*: And whereas another Act was passed in the First and Second Years of the Reign of Her said Majesty Queen *Victoria*, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*: And whereas it is expedient to explain and amend some of the Provisions of the said several recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third as provides that no District Chapelry assigned to any Chapel of Ease or Parochial Chapel then already existing, or to any Chapel built or which might thereafter be built or acquired under the Powers of the said recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, or the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third, should become a Benefice by reason of any Augmentation of the Maintenance of the Curate by any Grant or Bounty under the Provisions of any Act or Acts of Parliament, or Law or Laws, for augmenting small Livings, shall be and the same is hereby repealed; and that so much of the said recited Act passed in the First Year of the Reign of His Majesty King *George* the First as provides that no Rector or Vicar of any Mother Church, or any other Ecclesiastical Person or Persons having Cure of Souls within the Parish or Place where a Church or Chapel augmented by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy shall be situate, or his or their Successors, should by virtue of that Act be divested or discharged from the same, but that the Cure of Souls, with all other Parochial Rights and Duties (such Augmentation

Repeal of certain Part of 59 G. 3. c. 134. as relates to certain District Chapelries, and of certain Part of 1 G. 1. c. 10. as relates to certain Incumbents.

tation and Allowance to the augmented Church or Chapel as aforesaid only excepted), should thereafter be and remain in the same State, Plight, and Manner as before the making of that Act, shall be and the same is hereby repealed, with respect only to those Churches or Chapels which have been already or hereafter may be augmented, and for or to which District Chapelries may have already been or may hereafter be assigned, under the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty *George* the Third: Provided always, that unless and until such District Chapelry be assigned the said Provision shall remain in full Force and Effect as if this Act had not been passed.

II. And be it further enacted, That in the Case of any Church or Chapel which has already been or hereafter may be augmented by the said Governors of the Bounty of Queen *Anne*, and for or to which any District Chapelry has already been or hereafter may be assigned, whether before or after such Augmentation under the Provisions of the said recited Acts or some of them, such Church or Chapel, from and after such Augmentation, and the Assignment of such District Chapelry, shall be and is hereby declared to be a Perpetual Curacy and Benefice, and the Minister duly nominated and licensed thereto, and his Successors, shall not be a Stipendiary Curate, but shall be and esteemed in Law to be a Perpetual Curate, and a Body Politic and Corporate, with perpetual Succession, and may receive and take to himself and his Successors all such Lands, Tenements, Tithes, Rent-charges, and Hereditaments as shall be granted unto or purchased for him or them by the said Governors of the Bounty of Queen *Anne*, or otherwise; and such Perpetual Curate shall thenceforth have within the District Chapelry so assigned as aforesaid sole and exclusive Cure of Souls, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Parish or Place from which such District Chapelry shall have been taken, any Law or Statute to the contrary notwithstanding.

Any augmented Church or Chapel having a District to be a Perpetual Curacy, and the Minister to be an Incumbent, with perpetual Succession, &c.

III. And be it further declared and enacted, That it shall be lawful for the said Commissioners for building new Churches to assign a District Chapelry to any Church or Chapel, with such Consent as is required by the Acts of the Fifty-eighth and Fifty-ninth Years of His said Majesty King *George* the Third, respectively herein-before recited, or One of them, in the Manner specified and directed in and by such several Acts; and it shall be lawful for the said Governors of the Bounty of Queen *Anne* to augment such Church or Chapel, either before or after such District Chapelry has been formed or assigned, on the same Terms, Conditions, and Regulations as are or may be in force concerning such Augmentation.

Commissioners may assign Districts under 58 & 59 G. 3., and Governors of Q. Anne's Bounty may augment the Churches, &c.

IV. And be it further enacted, That every such Church or Chapel so augmented to which a District Chapelry shall have been assigned as aforesaid shall be subject to the Provisions and Regulations contained in the herein-before recited Act of the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, touching the Assignment of District Chapelries, except so far as is by this Act otherwise provided.

Such Augmentations subject to certain Provisions of 59 G. 3. c. 134.

V. Pro-

Certain Provisions of 1 G. 1. c. 10. as to augmented Churches, &c. not affected.

V. Provided always, and be it further enacted, That nothing herein contained shall alter or affect the Provisions of the hereinbefore recited Act passed in the First Year of the Reign of His Majesty King *George* the First, which enact that all Churches, Curacies, or Chapels which should at any Time thereafter be augmented by the said Governors of the Bounty of Queen *Anne* should be Perpetual Cures and Benefices, and that the Ministers duly nominated and licensed thereto, and their Successors respectively, should be Bodies Politic and Corporate, with perpetual Succession, and other Privileges and Capacities in the said Act mentioned, but that the same shall remain in full Force and Effect as if this Act had not been passed.

For extending the Provisions in 1 & 2 Vict. c. 106. for annexing isolated Places to the contiguous Parishes, or making them separate Benefices.

VI. ' And whereas by virtue of the said Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*, it is amongst other things enacted, that when with respect to his own Diocese it should appear to the Archbishop of the Province, or when the Bishop of any Diocese should represent to the said Archbishop, that any Tithing, Hamlet, Chapelry, Place, or District within the Diocese of such Archbishop, or the Diocese of such Bishop, (as the Case might be,) might be advantageously separated from any Parish or Mother Church, and either be constituted a separate Benefice by itself or be united to any other Parish to which it might be more conveniently annexed, or to any other adjoining Tithing, Hamlet, Chapelry, Place, or District, parochial or extra-parochial, so as to form a separate Parish or Benefice, or that any extra-parochial Place might with Advantage be annexed to any Parish to which it is contiguous, or be constituted a separate Parish for Ecclesiastical Purposes; and the said Archbishop or Bishop should draw up a Scheme in Writing (the Scheme of such Bishop to be transmitted to the said Archbishop for his Consideration) describing the Mode in which it appeared to him that the Alteration might best be effected, and how the Changes consequent on such Alteration in respect to Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, and in respect to Patronage and Rights to Pews, might be made, with Justice to all Parties interested; and if the Patron or Patrons of the Benefice or Benefices to be affected by such Alteration should consent, in Writing under his or their Hands, to such Scheme, or to such Modification thereof as the said Archbishop might approve, and the said Archbishop should, on full Consideration and Inquiry, be satisfied with any such Scheme or Modification thereof, and should certify the same and such Consent as aforesaid by his Report to Her Majesty in Council, it should be lawful for Her Majesty in Council to make an Order for carrying such Scheme or Modification thereof, as the Case might be, into effect; and such Order, being registered in the Registry of the Diocese, which the Registrar was thereby required to do, should be forthwith binding on all Persons whatsoever, including the Incumbent or Incumbents of the Benefice or Benefices to be affected thereby, if he or they should have consented thereto in Writing under his or their Hands; but if such Incumbent or Incumbents

' Incumbents should not have so consented thereto, the Order should not come into operation until the next Avoidance of the Benefice by the Incumbent objecting to the Alteration, or by the surviving Incumbent objecting, if more than One should object thereto, and in such Case the Order should forthwith after such Avoidance become binding on all Persons whatsoever: And whereas it is expedient that the said Provisions should be extended to Cases notwithstanding the Vacancy or Vacancies of the Benefice or Benefices thereby to be affected; and also that when by such Order a separate Parish for Ecclesiastical Purposes is constituted, the same should become a Perpetual Curacy and Benefice, with Cure of Souls;' be it therefore enacted, That any such Scheme or Modification may be drawn up according to the Regulations and Directions in such Act contained, subject to the Consent in Writing of the Patron or Patrons of the Benefice or Benefices to be affected thereby, under his or their Hands, notwithstanding the Vacancy of such Benefice or Benefices; and it shall be lawful for Her Majesty in Council thereupon to make an Order for carrying such Scheme, or Modification thereof, as the Case may be, into effect; and such Order, being registered in the Registry of the Diocese as directed by the said Act, shall come into operation and shall be forthwith binding on all Persons whatsoever, notwithstanding such Vacancy or Vacancies.

VII. And be it further enacted, That the Provisions contained in the said last-recited Act touching the Party or Parties who shall be considered Patron or Patrons, and the Manner in which the Consent of the Patrons shall in certain Cases be given, for the Purposes of such Act, shall apply to the Consent of the Patron or Patrons herein-before last required to be given.

Who are to be considered Patrons.

VIII. And be it further enacted, That when by any Order of Her Majesty in Council as aforesaid, a separate Parish for Ecclesiastical Purposes is constituted, the same shall, on Registration thereof, and with the Consent in Writing of the Incumbent or Incumbents of the Benefice or Benefices to be thereby affected, become a Perpetual Curacy and Benefice, and the Minister thereof, duly nominated and licensed thereto, and his Successors, shall be a Body Politic and Corporate, with perpetual Succession, and may receive and take to himself and his Successors all such Lands, Tenements, Tithes, Rent-charges, and Hereditaments as shall be granted unto him or them, and such Perpetual Curate shall thenceforth have, within the Limits of the District Parish formed under the Church Building Acts for the Church of such Perpetual Curacy, sole and exclusive Cure of Souls, and shall not in anywise be subject to the Control or Interference of the Incumbent or Incumbents of the Benefice or Benefices to be affected by such Order, if he or they shall have consented to such Order as aforesaid; but if such Incumbent or Incumbents shall not have so consented thereto, this last-mentioned Provision shall not come into operation until the next Avoidance of the Benefice by the Incumbent objecting thereto, or by the surviving Incumbent objecting, if more than One shall object thereto, and in such Case the last-mentioned Provision shall forthwith after such Avoidance come into operation, and shall be binding on all Persons whatsoever.

Where a separate Parish is constituted by Order in Council, the same shall be a Perpetual Curacy with Cure of Souls.

Limiting the Provisions in 1 & 2 Vict. c. 107. giving certain Powers to the Commissioners for building new Churches.

IX. And be it further enacted, That the Powers granted by the herein-before recited Act passed in the First and Second Years of the Reign of Her present Majesty (Chapter One hundred and seven) to Her Majesty's Commissioners for building new Churches, of making, with certain Consents, any Church or Chapel the Parish Church of the Parish within which the same is situate, instead of the ancient Parish Church, and of making such ancient Parish Church a District Church or Chapel, with or without a District, as the said Commissioners shall in such Case direct, shall not extend or be construed to extend to making any Church or Chapel now or hereafter to be built and endowed under the Powers of the last-mentioned Act, or the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, the Parish Church, nor to the making any Church or Chapel the Parish Church as aforesaid, the Advowson, Right of Presentation, or Nomination of or to which shall belong to any other Person or Persons than to the Patron of such ancient Parish Church, without the Consent in Writing under the Hands of the Patron or Patrons and of the Incumbent or Minister of any such Church or Chapel herein mentioned.

Minister of a District Church or Chapel to have exclusive Cure of Souls within such District.

X. And be it further enacted, That where a Church or Chapel has been built or purchased and endowed and the Patronage thereof granted under the Provisions of the herein-before recited Acts of the First and Second Years of the Reign of His said Majesty King *William* the Fourth and of the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and seven, or either of them, and where a particular District has been assigned to such Church or Chapel under the Provisions of such first-named Act, the Minister or Perpetual Curate of such Church or Chapel shall have exclusive Cure of Souls within such District, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Mother Church of the Parish or Place out of which such District shall have been taken, any Statute or Law to the contrary thereof notwithstanding.

For removing Doubts as to the Extent and Meaning of 1 & 2 Vict. c. 107. s. 13.

XI. ' And whereas it is by the said recited Act passed in the ' First and Second Years of the Reign of Her present Majesty, ' Chapter One hundred and seven, enacted, that in all District ' Churches and District Chapelries the Licence of the Stipendiary ' Curate appointed to serve the Chapel of such Chapelry shall not ' be rendered void by the Avoidance of the Church of the Parish ' or District Parish in which such Chapel is situate, unless the ' same shall be revoked by the Bishop of the Diocese under his ' Hand and Seal: And whereas Doubts exist as to the Extent ' and Meaning of such Provision; ' be it therefore enacted and declared, That the same shall apply to the Licence of the Stipendiary Curate of a District Chapelry and to the Licence of the Stipendiary Curate of a District Parish Church.

Governors of Queen Anne's Bounty may accept Endowments for Churches and

XII. ' And whereas it is expedient to make Provision for the ' more permanent Security of the Endowments and Emoluments ' which shall have been or may hereafter be provided for the ' Use or Benefit of any Church or Chapel whether built, acquired, ' or appropriated, or to be built, acquired, or appropriated under ' the

‘ the Authority of the said recited Acts or of any of them, or under any other Authority, or for the Use or Benefit of the Incumbent of any such Church or Chapel, or of the Spiritual Person serving the same ;’ be it therefore enacted, That it shall and may be lawful for the said Governors of the Bounty of Queen *Anne* to accept, take, and hold any such Endowments and Emoluments upon the Trusts and for the Intents and Purposes for which the same shall have been or may hereafter be given or granted by the Person or Persons providing the same, in like Manner as any such Endowments or Emoluments may now be taken or held by any private Trustees or Trustee ; and it shall and may be lawful for any Trustees or Trustee of any such Endowments or Emoluments to assign and transfer the same to the said Governors of the Bounty of Queen *Anne*, to be held and applied by them upon the same Trusts and for the same Intents and Purposes as the same previously to such Assignment and Transfer were held by such Trustees or Trustee : Provided always, that no such Gift, Grant, Assignment, or Transfer shall be made to the said Governors of the Bounty of Queen *Anne* until by an Instrument in Writing under their Common Seal they shall have signified their Consent to accept the same.

Chapels built under Powers of the Church Building Acts, and Trustees of such Endowments may assign them to the said Governors, &c.

XIII. And be it further enacted, That in all Cases in which such Consent of the said Governors of the Bounty of Queen *Anne* shall have been so given, the Money provided for such Endowments shall be paid to the Treasurer for the Time being of the said Governors ; and the Receipt or Receipts of such Treasurer shall be effectual Discharges or an effectual Discharge for so much Money as in such Receipt or Receipts shall be expressed, to the Person or Persons paying the same, and after obtaining such Receipts or Receipt the Person or Persons paying such Money shall be absolutely discharged from all Liability touching such Money, and from all Trusts relating thereto.

Money provided for such Endowments to be paid to the Treasurer of the said Governors, &c.

XIV. ‘ And whereas by an Act passed in the First Year of the Reign of Her present Majesty (Chapter Twenty-three), intituled ‘ *An Act to amend the Law for providing fit Houses for the Beneficed Clergy* (an Omission in which was supplied by another Act passed in the same Session of Parliament, Chapter Twenty-nine), it was enacted, that the Monies to arise from the Sale or Sales of the Residence House, Gardens, Orchards, and Appurtenances, and Lands, belonging to any Benefice by the said Act under certain Circumstances authorized to be sold, should be paid to the said Governors of the Bounty of Queen *Anne*, to be by them, with the Consent of the Ordinary and Patron, applied and disposed of in or towards the Erection or Purchase of some other House and Offices, or the Purchase of an Orchard, Garden, and Appurtenances, or Land for the Site of a House, any or either of them, together with Land contiguous thereto, and not exceeding Twelve Acres, suitable for the Residence and Occupation of the Incumbent of such Benefice : And whereas the said Act makes no Provision for authorizing the said Governors to lay out at Interest the Purchase Monies which in any Case shall be paid to them under the Authority thereof, in the meantime and until such Monies shall be applied and disposed of according to the Directions of the said Act, nor for the Application of the

Governors of Queen *Anne*'s Bounty may lay out at Interest any Purchase Monies paid to them under the Act 1 & 2 Vict. c. 23., and appropriate any Surplus of such Purchase Monies to the Benefice on account of which the Monies shall have been received.

‘ Surplus of such Monies in case the same Monies shall not be wholly applied and disposed of to the Purposes contemplated by the said Act;’ be it therefore enacted, That it shall be lawful for the said Governors and they are hereby required to lay out and invest the said Purchase Monies which shall from Time to Time come into their Hands under and by virtue of the said Act in the Purchase of such Stocks, Funds, and Securities, and at such Rate of Interest, as they shall think proper, and shall from Time to Time receive the Dividends and Interest which shall become payable in respect thereof, and add the same by way of Accumulation to the Principal, and so from Time to Time so long as the same shall remain in their Hands, or until the same, or so much thereof as shall be required, shall have been applied and disposed of by the said Governors in the Manner and for the Purposes in the said Act mentioned; and further, that in case, after the complete Execution of the Duty or Trust imposed on the said Governors by the said Act of Parliament, or of so much thereof as shall be in their Power, any Sum of Money shall remain in their Hands undisposed of, such Surplus shall be appropriated by the said Governors to the particular Benefice on account of which the same shall have been received, and shall be applicable and disposable by them for the Benefit of such Benefice, in such and the same Manner, and with such and the same Powers of Investment, and other Powers and Authorities in all respects, according to the Rules and Regulations of the said Governors for the Time being, as if the said Monies, or the Stocks or Funds which might be purchased therewith, had been appropriated by the said Governors to such Benefice out of the general Funds and Profits of the said Governors, or otherwise, for the Benefit and Augmentation thereof.

Power in certain Cases and with certain Consents to sell Lands purchased for or annexed to Benefices for the Augmentation thereof by the Governors of the Bounty of Queen Anne.

XV. ‘ And whereas some of the Lands and Hereditaments which were formerly purchased by the Governors of the said Bounty, or were otherwise appropriated or annexed, by or with the Consent or Concurrence of the said Governors, to particular Benefices, for the Augmentation thereof, are situate at an inconvenient Distance from the Benefices to which they respectively belong, and in such and some other special Cases a Sale of the Lands and Hereditaments which have been or may hereafter be so appropriated or annexed may be deemed advantageous;’ be it therefore enacted, That in every Case where any Lands or Hereditaments which, in consequence of any Purchase, Allotment, Benefaction, Donation, or Exchange, or otherwise howsoever, shall have been appropriated or annexed to any Benefice, for the Augmentation thereof, by or with the Concurrence of the said Governors of the Bounty of Queen Anne, are situate elsewhere than within the Parish or Parishes of such Benefice, or some adjoining Parish or Parishes, it shall be lawful for the Incumbent of such Benefice (with the Consent of the said Governors of the Bounty of Queen Anne, and of the Ordinary and Patron of such Benefice, to be testified as herein-after mentioned,) absolutely to sell and dispose of the said Lands or Hereditaments, or any Part thereof, to any Person or Persons whomsoever, either together or in Parcels, and either by public Sale or by private Contract, for such Sum or Sums of Money as to the said Governors, Ordinary, and Patron shall seem fair and reasonable; and upon Payment of the Purchase Money

Money for the same, as herein-after directed, by Deed indented, or, in the Case of any Lands or Hereditaments of Copyhold or Customary Tenure, by Surrender or other Customary Mode of Assurance, to convey and assure the Lands or Hereditaments comprised in such Sale unto and to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs, Executors, Administrators, or Assigns respectively, or as he, she, or they shall direct or appoint: Provided always, that the Consent of the said Governors, Patron, and Ordinary to every such Sale shall be testified by their respectively executing the Deed or other Assurance by which the Lands or Hereditaments comprised in such Sale shall be conveyed or assured; except that in the Case of any Lands or Hereditaments of Copyhold or Customary Tenure which shall be conveyed or assured by Surrender such Consent may be testified by any Writing under the Corporate Seal or the Hand and Seal (as the Case may be) of each of the consenting Parties, which Writing shall be produced to the Lord or Steward of the Manor of which the said Premises shall be holden, and shall be a sufficient Authority to him for accepting from the Incumbent and other necessary Parties a Surrender of the same Premises, and such Writing shall be entered with the Surrender upon the Court Rolls of the said Manor.

How Consents
to be testified.

XVI. And be it further enacted, That in every Case where any Lands or Hereditaments which shall have been so appropriated or annexed to any Benefice as aforesaid shall be situate within the Parish or Parishes of such Benefice, or some adjoining Parish or Parishes, but on account of any special Circumstance or Circumstances a Sale of the said Lands or Hereditaments, or any Part thereof, shall be deemed advantageous, it shall be lawful for the Incumbent of such Benefice, with the Consent of the said Governors of the Bounty of Queen *Anne*, and of the Ordinary and Patron of such Benefice, to be testified as aforesaid, and with the further Consent of the Archbishop for the Time being of the Province in which such Benefice is situated, to be testified in like Manner, to sell and dispose of and convey and assure the said Lands or Hereditaments, or any Part thereof, in such Manner as is herein-before directed or authorized with respect to any such Lands or Hereditaments where the same shall not be situate within any such Parish or Parishes as aforesaid.

Power in certain special Cases to sell Lands so purchased or annexed.

XVII. ' And whereas it is expedient that the Power which by ' the said Act of the First and Second Years of the Reign of Her ' present Majesty is given to the Incumbent of a Benefice, with ' the Consent and Approbation of the Ordinary and Patron thereof ' and of the Archbishop of the Province, to sell the Residence ' House, Gardens, Orchard, and Appurtenances belonging to his ' Benefice, with Land contiguous thereto not exceeding Twelve ' Acres, should be extended and made applicable to other Houses ' and Buildings belonging to any Benefice, under the Circum- ' stances herein-after mentioned; ' be it therefore enacted, That in any Case in which any Dwelling House, Shop, Warehouse, or other Erection or Building (other than the House of Residence) belonging to any Benefice, shall be so old and ruinous as that it would be useless or inexpedient to expend Money in repairing and maintaining the same, or for other good and sufficient Reasons it shall

Power of Sale given by 1 & 2 Vict. c. 23. extended.

be thought advisable to sell and dispose of the same, it shall and may be lawful for the Incumbent of such Benefice, and he is hereby authorized and empowered, with the Consent and Approbation of the Ordinary and Patron thereof and of the Archbishop of the Province, to be signified in the Manner prescribed by the last-mentioned Act, absolutely to sell and dispose of such Dwelling House, Shop, Warehouse, or other Erection or Building, with the Yards, Gardens, Orchard, Croft, and Appurtenances thereto belonging, or any of them, to any Person or Persons whomsoever, either altogether or in Parcels, and for such Sum or Sums of Money as to such Ordinary, Patron, and Archbishop shall appear fair and reasonable, and upon Payment of the Purchase Money for the same as herein-after mentioned, by Deed indented, or in the Case of Copyhold or Customary Hereditaments by Surrender or other customary Mode of Assurance, to convey and assure the Hereditaments which shall be so sold unto and to the Use of the Purchaser or Purchasers thereof, his or their Heirs or Assigns, or as he or they shall direct or appoint.

Purchase
Monies to be
paid to the
Governors of
the Bounty of
Queen Anne;

XVIII. And be it further enacted, That the Monies to arise from any Sale or Sales which shall be made under any of the Provisions of this Act shall be paid to the said Governors of the Bounty of Queen *Anne*, and that the Receipts of the Treasurer for the Time being of the said Governors shall be sufficient Discharges for the said Monies, or for so much thereof as in such Receipts respectively shall be expressed to be received, and shall effectually release and exonerate the Person or Persons paying the same from all Responsibility in respect of the Application thereof; and further, that no Purchaser or Purchasers shall be in anywise bound or concerned to ascertain or inquire whether any special Circumstance or Circumstances or Reason or Reasons shall exist on account of which any such Sale or Sales as aforesaid may be deemed advantageous or advisable, or whether such Circumstance or Circumstances or Reason or Reasons shall be sufficient to authorize such Sale or Sales.

and to be by
them appropri-
ated to the
particular Bene-
fice on account
of which the
same shall have
been received,
&c.

XIX. And be it enacted, That all the Monies to arise from any such Sale or Sales as aforesaid (subject nevertheless, in the Case of any Lands or Hereditaments which shall have been appropriated or annexed to any Benefice by or with the Concurrence of the said Governors of the Bounty of Queen *Anne*, to any Stipulation or Agreement which the said Governors in their Discretion may think proper to make for Payment thereof of the Costs and Expences of such Sale or Sales or any Part thereof) shall be appropriated by the said Governors to the particular Benefice to which the Hereditaments comprised in such Sale shall have previously belonged, and shall be applicable and disposable by them for the Benefit and Augmentation of such Benefice in such and the same Manner, and with such and the same Powers of Investment, and other Powers and Authorities, in all respects, according to the Rules and Regulations of the said Governors for the Time being, as if the said Monies, or the Stocks or Funds which might be purchased therewith, were then originally appropriated by the said Governors to such Benefice out of the general Funds and Profits of the said Governors, or otherwise, for the Benefit and Augmentation thereof.

XX. And be it enacted, That in any Case in which upon the Sale of any such Lands or Hereditaments as aforesaid the Patronage of the Benefice to which the same shall belong shall be in the Crown, or the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, or the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, then and in every such Case the Consent required by this Act on the Part of the Patron of such Benefice shall and may be testified by the Execution of such Deed or Assurance or other Writing as aforesaid by such and the same Persons as by the said Act of the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said Act, or by certain other Acts therein mentioned or referred to; and that in all other Cases the Consent required by this Act on the Part of the Patron of any Benefice shall be given by the Person or Persons who would be entitled to present or nominate or to collate to such Benefice in case the same were actually vacant at the Time of giving such Consent.

Who are to consent as Patrons.

XXI. And be it further enacted, That in the Construction of so much of the Act as relates to the Sales of Land and other Hereditaments, and the Application of the Monies to arise therefrom, the Word "Benefice" shall be taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries, the Incumbents of which respectively shall, in right thereof, be Corporations Sole.

Definition of the Term "Benefice."

XXII. And be it further enacted, That in any Case under the herein-before recited Acts (except the Act passed in the First and Second Years of Her present Majesty's Reign, Chapter One hundred and six,) or of this Act, where the Patronage of any Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place, shall be in the Crown, or the Advowson and Right of Patronage thereof shall be Part of the Possessions of the Duchy of *Cornwall*, or where the Patron thereof shall be a Minor, Idiot, Lunatic, or Feme Covert, then and in every such Case the Consent required by such Acts on the Part of the Patron of any such Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place, shall and may be testified in Writing under the Hands of such and the same Persons as by the said Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said Act, or by certain other Acts therein mentioned or referred to; and that in all other Cases the Consent required by the said recited Acts (except as aforesaid) and this Act, on the Part of the Patron of any Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place, shall be given by the Person or Persons who would be entitled to present or nominate or to collate thereto in case the same were actually vacant at the Time of giving such Consent, except so far as it is by any of such recited Acts or this Act otherwise expressly provided for.

How Consent of Patron is in certain Cases to be given under the recited Act.

To what Places
the Act is to
extend.

XXIII. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

C A P. L.

An Act to extend and amend the Provisions of the Acts for the Extension and Promotion of Public Works in *Ireland*; and for the Recovery of Public Monies advanced for the Use of Counties, Parishes, and other Districts in *Ireland* on the Faith of Grand Jury Presentments and Parochial Assessments. [17th August 1839.]

‘ WHEREAS an Act was passed in the Session of Parliament
‘ holden in the First and Second Years of His late Majesty’s
1 & 2 W. 4. c. 33. ‘ Reign, intituled *An Act for the Extension and Promotion of*
‘ *Public Works in Ireland*, which Act was amended by another
6 & 7 W. 4. c. 108. ‘ Act passed in the Session of Parliament holden in the Sixth and
‘ Seventh Years of His said late Majesty’s Reign: And whereas
‘ the Commissioners acting under and in execution of the said
‘ Acts are thereby authorized to make Advances by way of Loan,
‘ to a certain Amount in the said Acts limited, in aid of the Exe-
‘ cution of Public Works in *Ireland*, and likewise to make Ad-
‘ vances by way of Grant in aid of the Construction of certain
‘ Works to a certain other Amount in the said Acts limited: And
7 W. 4. & ‘ whereas another Act was passed in the First Year of Her pre-
1 Vict. c. 21. ‘ sent Majesty’s Reign, further amending the said recited Acts,
‘ and empowering the said Commissioners to make Advances to
‘ an additional Amount in such Act limited, either by way of
‘ Grant, or, under certain Circumstances and for certain Purposes,
‘ partly by way of Loan and partly by way of Grant; that is to
‘ say, by Loan to the Extent of one Moiety of such Advances,
‘ and by Grant to the Extent of the other Moiety: And whereas
1 & 2 Vict. c. 88. ‘ an Act was passed in the last Session of Parliament, intituled *An*
‘ *Act to authorize a further Issue of Exchequer Bills for Public*
‘ *Works and Fisheries and Employment of the Poor, and to amend*
‘ *the Acts relating thereto*, whereby it was among other things pro-
‘ vided, that it should be lawful for the Commissioners of Her
‘ Majesty’s Treasury to appropriate, out of the Sum of Five hun-
‘ dred thousand Pounds in Exchequer Bills authorized to be ad-
‘ vanced under the Authority of the said last-mentioned Act, any
‘ Sum or Sums, not exceeding in the whole Fifty thousand Pounds,
‘ for the Promotion and Extension of Public Works in *Ireland*,
‘ to be applied by the Commissioners appointed under the Autho-
‘ rity of the said first-recited Act passed in the First and Second
‘ Years of His late Majesty’s Reign to the Purposes and under the
‘ Provisions of the said first-recited Act: And whereas it is expe-
‘ dient that the said Sum or Sums so authorized by the said last-
‘ mentioned Act to be appropriated for the Promotion and Exten-
‘ sion of Public Works in *Ireland* should be made applicable to
‘ the Purposes of the said recited Acts of the Sixth and Seventh
‘ Years of His late Majesty’s Reign and of the First Year of Her
‘ present Majesty’s Reign, and of this Act, as well as to the Pur-

poses of the said Act of the First and Second Years of His late Majesty's Reign: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any such Appropriation shall be made or have been made, it shall be lawful to apply the Exchequer Bills so appropriated to the Purposes of all or any of the said recited Acts or this Act, and to make Advances thereout accordingly either by way of Loan or by way of Grant, or partly by way of Loan and partly by way of Grant, pursuant to the Provisions of the said recited Acts and this Act respectively, any thing in the said Act of the last Session of Parliament to the contrary notwithstanding.

II. And be it enacted, That all and every the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts for the Extension and Promotion of Public Works in *Ireland*, in respect of the Advances to be made thereunder either by way of Loan or Grant, or by way of Grant and Loan, and in respect of the Exchequer Bills or Money to be advanced or issued for any of such Purposes, shall, so far as the same are applicable, be applied and extend to the Advances to be made under this Act, and to the Exchequer Bills to be applied as herein-before directed to the aforesaid Purposes, or any of them, as fully and effectually, to all Intents and Purposes, as if the same were herein repeated and re-enacted, and made specially applicable thereto.

III. And whereas an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of His late Majesty's Reign, intituled *An Act for the more effectually providing for the Erection of certain Bridges in Ireland*: And whereas the said Act contains an Enactment in the Words following: "And be it enacted, That the building, rebuilding, repairing, widening, enlarging, or improving of any Bridge under the Provisions of this Act, or of any of the Approaches thereto, and the Execution of all Works relating to the same, shall be carried on, conducted, and managed by and under the Control and Direction of the Commissioners for the Time being; and that all the Provisions of the said last-mentioned Act shall and may be applied and extended to the several Works hereby authorized to be executed, so far as the same may be necessary, and may not be repugnant to or inconsistent with this Act:" And whereas the Words "appointed under and acting in execution of an Act made in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty, intituled *An Act for the Extension and Promotion of Public Works in Ireland*," which were intended to be inserted between the Word "being" and the Words "and that" in the said recited Enactment, were inadvertently omitted, so as to make it doubtful what Commissioners were meant by the said Enactment; be it therefore enacted and declared, That the said recited Enactment shall be deemed, construed, and taken to have such and the same Effect, to all Intents and Purposes, as if the said Words "appointed under and acting in execution of an Act made in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty, intituled

The Sum of 50,000*l.* granted by 7 W. 4. & 1 Vict. c. 21. made applicable to all the Purposes of the Acts for Promotion and Extension of Public Works.

Provisions of recited Acts extended to any Money issued under this Act.

Verbal Omission in 4 & 5 W. 4. c. 61. § 8. supplied.

1 & 2 W. 4. c. 33.

1 & 2 W. 4. c. 35. intituled *An Act for the Extension and Promotion of Public Works in Ireland*," had been originally inserted therein between the Word "being" and the Words "and that."

Lord Lieutenant may appoint the Commissioners of Public Works to act under 4 & 5 W. 4. c. 61.

IV. ' And whereas it is enacted by the said last-recited Act, that ' it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall so think fit, to ' appoint any Person or Persons not exceeding Five to inquire into ' and report upon the Circumstances stated in any Memorial which ' may be presented to him or them by any Grand Jury under the ' Provisions of the said Act, and divers Powers and Duties are ' conferred upon and directed to be performed by the Person or ' Persons so appointed: And whereas it is expedient that Power ' should be given to the said Lord Lieutenant or other Chief Governor or Governors, at his or their Discretion, to delegate such ' Powers and Duties to the said Commissioners of Public Works; be it therefore enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct the said Commissioners of Public Works to inquire into and report upon the Circumstances of any such Memorial as aforesaid, and to do all other Matters and Things by the said Act directed to be done by any Persons appointed for such Purposes under the Provisions thereof; and that in case the said Lord Lieutenant or other Chief Governor or Governors shall so direct, the said Commissioners of Public Works shall have all and every the like Powers and Authorities as any other Person or Persons so appointed might or would have had under the Provisions of the said Act; and that in case of such Direction all and every the Matters and Things directed to be done by or to or in respect of the Person or Persons appointed for the Purposes aforesaid shall be done by or to or in respect of the said Commissioners, and that all the Provisions of the said Act applying to any Person or Persons so appointed shall in the Case aforesaid apply and extend to the said Commissioners as if they had been named in the said Act in conjunction with or instead of the Person or Persons so to be appointed.

What to be deemed Expences under the said Act.

V. And be it enacted, That all Provisions in the said last-recited Act contained in respect of the Expences which may become necessary by the Appointment of any Person or Persons for the Purposes aforesaid, shall apply and extend to all Expences which may become necessary by the Appointment of the said Commissioners for the like Purpose, and that all Expences attendant upon the Examination, Survey, and Report to be made by such Person or Persons, or by the said Commissioners, as the Case may be, shall be deemed and taken to be Expences become necessary by his or their Appointment.

Provisions of recited Act referring to 3 & 4 W. 4. c. 78. extended to 6 & 7 W. 4. c. 116.

VI. And be it enacted, That wheresoever in the said last-recited Act Reference is made to an Act passed in the Third and Fourth Years of His late Majesty's Reign, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, the Provision shall refer and extend to an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, and to any Act amending the same.

VII. • And

VII. And whereas the said recited Act contains an Enactment in the following Words: "And be it enacted, That it shall be lawful for any Grand Jury hereby required to present any Sum of Money for the Purposes of this Act to direct that the Amount of such Presentment shall be levied by any Number of equal half-yearly Instalments not exceeding Twelve; and upon such Presentment being made it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to order that the Whole, or such Part as they or he shall deem proper, of the Money so presented, or the Residue thereof, in case of any Grant being made as aforesaid, shall be advanced out of the Sum of Five hundred thousand Pounds which by an Act of the First and Second Year of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, may be advanced to the said Commissioners of Public Works for the more speedy Execution of the Work to which such Presentment shall relate; which Sum so advanced shall be repaid, in the Proportion prescribed by any such Order as aforesaid of the said Lord Lieutenant or other Chief Governor or Governors, by the Treasurers of the respective Counties, to the Collector of the Excise for their respective Districts, by Instalments pursuant to the Presentments, and be by such Collectors accounted for as any other Public Money which may come to their Hands:" And whereas it is expedient to amend the said recited Enactment; be it therefore enacted, That so much of the recited Enactment as empowers the said Lord Lieutenant or other Chief Governor or Governors to order that any Money shall be advanced to the said Commissioners of Public Works in the Case and in the Manner therein mentioned shall be and the same is hereby repealed.

VIII. And be it enacted, That upon such Presentments being made as in the said Act mentioned it shall be lawful for the said Commissioners of Public Works, by and with the Sanction and Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them, to advance, and apply to the Execution of the Works to which such Presentment shall relate, all such Sums of Money as shall be from Time to Time required for that Purpose; and all such Sums of Money (or the Residue thereof in case of any Grant being made in aid of such Work as in the said Act mentioned) shall and may be issued and advanced in like Manner as any other Money authorized to be issued and advanced by way of Loan under the Provisions of the said recited Acts or this Act; and all and every the Provisions of the said recited Acts and this Act authorizing and regulating the Issue and Advance of Exchequer Bills or Money by way of Loan shall apply and extend to authorize and regulate the Issue and Advance of such Monies to the said Commissioners of Public Works for the Purpose aforesaid; and all Sums so advanced (or in case of any such Grant being made as aforesaid, the Residue thereof,) shall be repaid, in the Proportions prescribed by any such Order as by the said Act the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is authorized to make in that Behalf, by the Treasurers of the respective Counties, to such Bank or Person as the said Commissioners of the Treasury shall direct.

Repeal of so much of 4 & 5 W. 4. c. 61. § 9. as empowers Lord Lieutenant to order Advance of Money in certain Cases to Commissioners.

1 & 2 W. 4. c. 33.

Upon Presentments being made, Commissioners, with Consent of Treasury, to advance the Money required.

Presentments
to be made for
Interest on
Sums outstand-
ing and unpaid.

IX. Provided always, and be it enacted, That, together with and in addition to the Principal Sums to be levied off the respective Counties chargeable therewith under the Provisions of the said Act, the said respective Grand Juries shall present to be levied and paid thereout the Interest on the Sum chargeable on each County respectively, or on so much thereof as shall be from Time to Time outstanding and unpaid, at such Rate *per Centum per Annum* as the said Commissioners of the Treasury shall direct; and all and every the Provisions of the said recited Act in respect of such Principal Sums shall apply and extend to the Interest thereon, and the same shall be paid therewith.

Title of Com-
missioners of
Public Works.

X. And be it enacted, That in this Act, and in any other Act passed or which may be hereafter passed, the Expression "Commissioners of Public Works in *Ireland*" shall be construed to mean the Commissioners for the Time being appointed under and acting in execution of the said recited Act passed in the Session of Parliament holden in the First and Second Years of His late Majesty's Reign and the other Acts amending the same; and that all Acts, Matters, and Things which by this Act, or any other Act passed or which may be hereafter passed, the said Commissioners may be required or authorized to do or execute, shall and may be done and executed by any Two of such Commissioners; and that any Contract, Deed, or Instrument made with or executed by any Two of the said Commissioners shall be good, valid, and effectual as if made with or executed by all the said Commissioners; any thing in any Act passed or to be passed to the contrary notwithstanding.

Quorum.

Commissioners
of Public
Works em-
powered to
purchase Sites
for Court
Houses.

XI. And be it enacted, That in order to enable the said Commissioners of Public Works in *Ireland* to purchase the Ground necessary as the Site for the building of any Court or Sessions House to be built or provided by them, by Direction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under the Provisions of the said recited Act of the Sixth and Seventh Years of His late Majesty's Reign, it shall and may be lawful for the said Commissioners to contract and agree with any Person or Persons or Body or Bodies Corporate or Politic for the Purchase or renting of any Lands, Tenements, or Hereditaments required for the Site of such Sessions House; and the Lands, Tenements, or Hereditaments so contracted and agreed for shall be demised or conveyed to such Commissioners, their Successors and Assigns, in Trust for the Uses and Purposes aforesaid; and such Demise or Conveyance shall be made in such Manner and under such Regulations (so far as the same may be applicable) as are provided in an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*, with respect to the demising and conveying of any Lands, Tenements, or Hereditaments to Commissioners under that Act; provided always, that in case the said Commissioners of Public Works in *Ireland* shall be unable to agree with the Owners of any Lands, Tenements, or Hereditaments proper or necessary to be purchased for the Purpose aforesaid, it shall and may be lawful for the said Commissioners to issue their Warrant to the Sheriff in the Manner directed by the said Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth, and thereupon such

such and the like Proceedings shall and may be had and taken for summoning, impannelling, and swearing Juries, and valuing the Premises so to be purchased or rented, and each and every Part thereof respectively, and for obtaining the full Possession and Seisin thereof, and a good Title thereto, in the said Commissioners, and with and subject to the same Rules, Regulations, Conditions, and Jurisdictions, as in the said Act is provided concerning any Lands, Tenements, or Hereditaments to be purchased by such Valuation under the said last-mentioned Act, and the said Commissioners shall in that Behalf possess and exercise all and every the Powers and Authorities by that Act granted to and vested in the Commissioners therein mentioned; and the Grand Jury of every such County, upon the Production at any Assizes of the Certificate of the Secretary of such Commissioners of the Amount of such Purchase Money, and the Costs attending such Purchase, and the Expence of building such Sessions House, shall and they are hereby authorized and required to present the Sum so agreed upon or fixed as the Purchase Money of such Premises, and the Costs attending such Purchase, together with the Expence of building such Sessions House, provided that the whole Sum so to be presented shall not exceed One thousand Pounds, as in the said Act limited.

XII. ' And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intitled *An Act to amend an Act passed in the Seventh Year of His present Majesty, for the consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, it was among other things enacted, that whenever the said Commissioners of Public Works in *Ireland* should, under the Provisions of the said Act of the Sixth and Seventh of *William* the Fourth, or of the Act of the First and Second of *William* the Fourth, intitled *An Act for the Extension and Promotion of Public Works in Ireland*, have undertaken the Repair or Maintenance of any public Road, it should and might be lawful for the said Commissioners at all Times thereafter to exercise all and every the same Powers and Authorities which are now vested in the Surveyor of any County or the Contractor for any Road under and by virtue of the said Act of the Sixth and Seventh of *William* the Fourth, or otherwise howsoever, or as the said Commissioners, by the Act of the Sixth of *George* the Fourth, Chapter One hundred and one, intitled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in Ireland*, as far as the said Commissioners may consider the same or any of them necessary for the Preservation and good Order of such Roads, and the Removal of all Nuisances thereon, as also for the Purpose of obtaining Materials for such Repairs or Maintenance which they shall have so undertaken: And whereas Doubts have arisen as to the Right of the said Commissioners to exercise the said Powers in the County of *Dublin* and in the County of the City of *Dublin*, wherein there is no Surveyor, and it is expedient to remove such Doubts, and to extend such Powers to all Works, wheresoever situate, which the said Commissioners of Public Works shall undertake; be it therefore enacted, That it shall and may be lawful to and for the said

Power to get
Materials.

7 W. 4. &
1 Vict. c. 2.

1 & 2 W. 4. c. 33.

6 G. 4. c. 101.

said Commissioners of Public Works to use and exercise within the said County of *Dublin* and County of the City of *Dublin* respectively all and every the Powers and Authorities conferred upon them by the said recited Enactment or this Act in reference to any other County or Counties; and that it shall be lawful for the said Commissioners to use and exercise all such Powers and Authorities in respect of any Road or Bridge or other Public Work whatsoever, the making, maintaining, repairing, or Preservation whereof they may be authorized to undertake under the Provisions of the said recited Acts or this Act, or any other Act passed or which may be passed, as fully and effectually, to all Intents and Purposes, as in respect of any public Road referred to in the said recited Enactment.

Powers of the Commissioners of Public Works in respect of Grants extended.

XIII. ' And whereas the said Commissioners of Public Works in *Ireland* are authorized, under the recited Acts for the Extension and Promotion of Public Works, to make Grants in aid of the Construction and Erection of Bridges and making of Roads, as therein mentioned, to an Amount in each Case equal to a Moiety of the estimated Expence of the Construction of such Road or Bridge, and also in aid of the Construction and Erection of small Harbours, Piers, and Quays on the Sea Coast, and on navigable Rivers and Lakes: And whereas the Amount authorized to be so granted for Roads and Bridges is unlimited, while that for Piers, Harbours, and Quays is limited to One thousand Pounds: And whereas it is expedient to put Grants in aid of all such Works as aforesaid on an equal Footing, and also to enable the said Commissioners to make Grants to such Amount less than a Moiety as the said Commissioners may, with the Sanction of the Commissioners of Her Majesty's Treasury, from Time to Time think proper; be it therefore enacted, That, notwithstanding any thing in the said Acts or any of them contained to the contrary, it shall and may be lawful to and for the said Commissioners, out of the Funds thereby or hereafter to be placed at their Disposal for that Purpose, to make Grants in aid of the Construction and Erection of small Harbours, Piers, and Quays on the Sea Coast, and on navigable Lakes and Rivers, to such Amount respectively, either more or less than the said Sum of One thousand Pounds, as they shall think expedient, and as shall be from Time to Time sanctioned by the Commissioners of Her Majesty's Treasury for the Time being, and also to make Grants in aid of the Construction or Erection of any Road or Bridge to such Amount as the Commissioners of Her Majesty's Treasury shall from Time to Time sanction, whether the same be less than or equal to a Moiety of the estimated Expence of such Road or Bridge.

Provisions of recited Acts in respect of Roads, &c. made by Grants of a Moiety extended to Roads, &c. made by Grants under this Act.

XIV. And be it enacted, That all and every the Provisions of the said recited Acts or this Act for the constructing and erecting of such Roads or Bridges, or maintaining and repairing the same, and advancing Money for such Purposes, and requiring and enforcing Repayment from the Grand Juries of Counties, Counties of Cities and Towns, of the Sums from Time to Time expended in the Construction, Erection, Maintenance, or Repair of such Roads or Bridges, shall and may be applied for the Purposes of such Roads and Bridges towards which Grants less than a Moiety

or

or exceeding One thousand Pounds shall have been or may be made as aforesaid.

XV. 'And whereas Doubts have arisen as to the Power of Grand Juries to repair Roads or Bridges in aid of the Construction whereof Grants may be made or have been made by the said Commissioners of Public Works;' for Removal whereof be it enacted and declared, That it shall and may be lawful for any Grand Jury to make Presentments for gravelling or repairing any such Road or Bridge in like Manner and subject in all respects to the like Provisions and Regulations as any other public Road or Bridge: Provided always, that nothing herein contained shall limit or affect the Power, Duty, and Authority of the said Commissioners of Public Works to repair the same in any Case where they shall deem it necessary or expedient so to do; and that nothing herein contained shall be construed to invalidate any Contract for the Repair of any such Road or Bridge heretofore made by or with the said Commissioners of Public Works.

Grand Juries may repair Roads and Bridges made by Grants.

XVI. 'And whereas it was by the said recited Act of the First and Second Years of the Reign of His late Majesty enacted, that it shall and may be lawful for any Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Directors, Proprietors, or other Party or Persons, acting under Authority of Parliament, Charter, or Deeds of Settlement as aforesaid, to mortgage and assign to the Commissioners for the Execution of the said Act only, in Trust, any Estate, moveable Chattels, Funds, Tolls, Rates, and other accruing Profits whatever of or to which such Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons may be or become seised, possessed, or entitled, for the Purpose of securing the Repayment of any Advance, with Interest thereon, which the said Commissioners for the Execution of such Act shall have made or shall think fit to make to the said Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons respectively: And whereas it is expedient to authorize the Transfer to the said Commissioners of Public Works of the Execution and Management of Public Works in aid of which Grants or Advances may be made by them under the Authority of the said recited Acts or this Act, in Cases when such Transfer may be conducive to the advantageous Employment of such Grants or Advances, or to secure the Repayment of such Advances;' be it therefore enacted, That it shall and may be lawful for any Body Politic and Corporate, Company, Trustees, Commissioners, Proprietors, or other Persons acting under the Authority of Parliament or Charter, or any Deed of Settlement, in the Execution and making of any Road, Bridge, Canal, Harbour, Pier, Railway, Drainage, or Embankment or other Work for the Promotion of which Advances may be made under the Authority of the said recited Acts or this Act, if they shall so think fit, and if the said Commissioners of Public Works shall so require, to transfer and assign, either absolutely or for such Term and subject to such Conditions as may be agreed upon, to the said Commissioners of Public Works, for the Purpose of obtaining any Loan or Grant, and carrying such Work into execution, all and every the Powers and Authorities belonging to or

Commissioners under Private Acts enabled to assign Execution of Works to the Commissioners of Public Works.

anywise

anywise vested in such Corporation, Company, Trustees, Commissioners, Proprietors, or other Persons for the Execution of any such Work as aforesaid; and every such Transfer and Assignment shall be good, valid, and effectual, and the said Commissioners of Public Works shall by virtue thereof be and become invested, either absolutely or for such Term as may be therein mentioned, with all such Powers and Authorities in respect of the Execution of such Work (but subject nevertheless to the like Duties and Obligations) as by such Act, Charter, or Deed of Settlement the Body Politic and Corporate, Company, Trustees, Commissioners, Proprietors, or other Persons making such Transfer and Assignment might lawfully use and exercise, any thing in such Act, Charter, or Deed to the contrary notwithstanding, and although such Body Corporate or Politic, Commissioners, Trustees, Company, Proprietors, or other Persons, may not or have not, otherwise than by this Act, Right, Power, or Authority to make such Transfer and Assignment; and from and after such Transfer and Assignment all and every the Powers and Authorities in respect to the Execution of such Work theretofore vested in or belonging to such Body Politic or Corporate, Company, Trustees, Commissioners, Proprietors, or other Persons making such Transfer and Assignment shall cease and determine absolutely, or be suspended during the Term specified in such Transfer and Assignment: Provided always, that no such Transfer or Assignment shall prejudice or affect the said Commissioners of Public Works, or any of them, their or any of their Estates, Real or Personal.

Providing for
the Recovery of
all Arrears of
Monies re-
payable by
Grand Jury
Presentment
or Parochial
Assessment
under expired
Acts.

XVII. ' And whereas, under the Authority of various Acts, Advances have from Time to Time been made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to several Counties, Parishes, and other Districts in *Ireland*, on the Faith of such Advances being repaid by means of Grand Jury Presentments or Parochial Assessment in the Manner by the said Acts directed: And whereas in several Instances such Advances have not as yet been repaid, and Difficulties exist in obtaining the Repayment thereof, in consequence of the Acts which in whole or in part authorized the making of such Advances, and which provided for their Repayment, having expired or been repealed before the whole of such Advances were repaid, and it is expedient and just that such Difficulties should be removed; be it therefore enacted, That all Arrears and Installments and Sums of Money now unpaid of any Monies whatsoever which at any Time or Times heretofore have been advanced out of the Consolidated Fund or any other of the Public Funds or Monies of the United Kingdom of *Great Britain* and *Ireland*, to or for the Use of any County, Barony, Parish, or other District or Place in *Ireland*, under the Authority of any Act or Acts which directed or provided that the same should be replaced or repaid by means of Grand Jury Presentment or Parochial Assessment, and which Act or Acts, or the Provisions therein contained relating to such Advances, and providing for the Repayment thereof, have been repealed or have expired, shall and may be recovered, raised, levied, and repaid by the Means and in the Manner herein-after mentioned.

XVIII. And be it enacted, with respect to all such Advances of Public Money as aforesaid which by the Act or Acts under the Authority

How Monies
repayable by
Grand Jury

Authority of which the same were made were to be repaid by Grand Jury Presentment, That the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, One Week at least before each Assizes or Presenting Term, certify to the Secretary of the Grand Jury for every County to or for the Use of which, or of any Part of which, any such Advance as aforesaid was made, the Amount of the Sum remaining due on account of such Advance, specifying in such Certificate the Purpose or Object on account of which and also the Act or Acts under the Authority of which such Advance was made, and whether the same, or any and what Part thereof, is chargeable against the Whole or any and what Division or Part of such County, and if so authorized by the Commissioners of Her Majesty's Treasury, or any Three or more of them, the Instalment or Portion of such Sum or Sums which it is considered just or necessary to call for at the Time of giving such Certificate; and every such Secretary as aforesaid is hereby required, in the Case of the County or City of *Dublin* at the Presenting Term, and in the Case of any other County at the Assizes next ensuing the Receipt of such Certificate, to lay the same before the Grand Jury of the County of which he is such Secretary, and thereupon each such Grand Jury is hereby empowered and required to present the Sum therein stated to be due and owing by such County, or any District or Part thereof, on account of such Advance, or such Instalment or Portion thereof as may be so required by such Certificate to be then presented, if the Whole shall not be then called for, to be raised and levied off the Whole or some particular Division or Part of such County accordingly, as the same respectively shall be stated in such Certificate to be chargeable therewith, and every Sum so presented shall be raised and levied accordingly in like Manner as other Monies presented at the same Presenting Term or Assizes respectively; and every such Presentment shall be made without any previous Application to Presentment Sessions; and the Money so levied shall be paid over in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

Presentment shall be recovered.

XIX. And be it enacted, That in case any Grand Jury at any Presenting Term or Assizes, as the Case may be, shall neglect or refuse duly to present any Money which under the Provisions of this Act, or any other Act or Acts, such Grand Jury is or may be required to present upon the Certificate of such Chief or Under Secretary as aforesaid, or which by any Act or Acts is directed to be raised by Grand Jury Presentment, the Court at any such Presenting Term and the Judge at any such Assizes may and shall make an Order directing the Sum or Sums which ought to have been so presented to be raised and levied as if the same had been so presented, and such Order shall have the Force and Effect of a Presentment; and the Treasurer of the County shall insert the Sum mentioned in such Order in his Warrant, and the same shall be apportioned, raised, levied, and applied in like Manner, to all Intents and Purposes, as if the same had been duly presented by such Grand Jury.

Proceedings in case of Default of Presentment.

XX. And be it enacted, That with respect to all such Advances of Public Money as aforesaid which by the Act or Acts under the

Advances repayable ' Parochi

assessment how
to be recovered.

Authority of which the same were made were directed to be repaid by means of Parochial Assessment, such Chief or Under Secretary as aforesaid shall from Time to Time, but not oftener than once in each Year, certify to the Churchwarden or Churchwardens, or in case there shall be no Churchwarden to any Two Inhabitants, of the Parish to or for the Use of which any such Advance as aforesaid was made, or wherein any such Money so advanced may have been expended, the Amount of the Sum or Sums remaining due on account of such Advance, specifying in such Certificate the Purpose or Object on account of which and also the Act or Acts under the Authority of which such Advance was made, and if so authorized by the Commissioners of Her Majesty's Treasury, or any Three or more of them, the Instalment or Portion of such Sum or Sums which it is considered just or necessary to call for at the Time of giving such Certificate; and all and every such Churchwardens or Churchwarden or Inhabitants, as the Case may be, are hereby required, upon the Receipt of such Certificate, to call a Vestry of such Parish, and at such Vestry the Sum or Sums stated in such Certificate to be due and owing by such Parish on account of such Advance aforesaid, or such Instalment or Portion thereof as may be so required by such Certificate to be then assessed, if the Whole shall not be then called for, shall be assessed accordingly, and the same shall be apportioned, raised, and levied on such Parish in like Manner as Parochial Assessments may or might have been or be apportioned, raised, and levied by virtue of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in Ireland*; and the Money so levied shall be paid over in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

7 G. 4. c. 72.

Proceedings in
case of Default
of Vestry
Apportionment.

XXI. And be it enacted, That in case such Churchwarden or Churchwardens or Inhabitants (as the Case may be) shall neglect to call such Vestry for the Space of One Month after such Certificate shall be so sent to such Churchwardens or Inhabitants as aforesaid, or in case any Vestry so called shall decline or neglect to make any such Assessment as aforesaid, it shall and may be lawful for the Justices of Her Majesty's Court of Queen's Bench in *Ireland* in case of the County or County of the City of *Dublin*, and for any Judge of Assize in any other County, upon a Motion for that Purpose made in open Court, and such Justices or Judge (as the Case may be) are and is hereby required, to make an Order directing the Sum or Sums which ought to have been so assessed to be raised and levied off such Parish in like Manner as if the same had been duly assessed according to the Provisions of this Act, and also (if necessary) appointing One or more Person or Persons to apportion and levy such Sum or Sums upon the Inhabitants of such Parish, or directing the same to be levied by the County Treasurer off the said Parish, as if the same had been presented to be levied thereout by any Grand Jury Presentment; and every such Order shall have the like Force and Effect as any Vote of Vestry duly made under this Act, and shall be to all Intents and Purposes

Purposes deemed, considered, and acted upon as such Vote of Vestry by all and every Person and Persons whose Office or Duty it would have been to carry such Vote of Vestry into effect, or by the said Person or Persons so appointed by the said Court or Judge, or by the said Treasurer, as the Case may be.

XXII. ' And whereas it is expedient to make more effectual Provision for securing the Public Treasury against Loss from the ' Insolvency of County Treasurers and others; ' be it therefore enacted, That in every Case in which Money has been or shall be issued out of the Consolidated Fund or any other of the Public Funds or Monies of the United Kingdom, to or for the Use of any County in *Ireland*, or any Part or Division of the same respectively, under the Authority of any Act or Acts which did or do or shall require such Money to be replaced or repaid by means of Grand Jury Presentment, and in pursuance thereof such Money has been or shall be presented or ordered to be levied accordingly, but nevertheless the same is or shall be unpaid by reason of the absconding or Insolvency or Default of the Treasurer of such County, or of any Collector or other Person empowered to collect or receive Public Money therein, then and in every such Case the Amount of the Sum so remaining unpaid as aforesaid shall be certified to the Secretary of the Grand Jury for such County by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and thereupon the like Presentment or Order shall be made, the like Proceedings taken, the like Powers exercised, and Acts and Matters and Things whatsoever done and executed, for rendering effectual the Levy and Repayment of every Sum so certified as last aforesaid, as are herein-before directed, authorized, and required for rendering effectual the Levy and Repayment of any other Sum certified to be due by such Chief or Under Secretary to any such Secretary of the Grand Jury as aforesaid pursuant to the Provisions herein-before in that Behalf contained: Provided always, that before taking any such Proceedings as aforesaid for procuring the Repayment of any Money which may have been or be so presented, but which shall remain unpaid by reason of the absconding, Insolvency, or Default of any such Treasurer, Collector, or other Person empowered to collect or receive the same as aforesaid, the Commissioners of Her Majesty's Treasury shall cause the Accounts relating to such Issues or Advances and Repayments to be audited and the Balances remaining due to be ascertained by the Officer charged for the Time being with the Duty of auditing the Accounts of the Treasurers of Counties and Counties of Cities and Towns in *Ireland* under an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*; and such Officer is hereby authorized and required to audit the said Accounts and ascertain such Balances, and shall for that Purpose have all such Powers and Authorities as he may now by Law have for the Audit of the said Treasurers Accounts; and the said Officer shall cause a Notice of the Time appointed for the Audit of such Accounts as regards each County respectively to be given to the Secretary of the Grand Jury of such County, who shall lay the same before the Grand Jury of such

Monies lost by Default of County Treasurers to be presented again.

1 & 2 Vict. c. 53.

such County at the next ensuing Assizes; and they shall have Power, if they shall so think fit, to direct the Treasurer of the County to attend such Audit with all proper Vouchers and Documents; and the Expence of the Attendance of such Treasurer, and of any other Person whom such Officer shall deem it necessary to examine on the Matters aforesaid, shall be defrayed to the Extent that shall be approved of by such Officer, and not otherwise, out of the Fee Fund in the said last-recited Act mentioned, and the Amount so disbursed in respect of the Audit of the Accounts of each County shall be levied off each such County by Grand Jury Presentments, together with and in addition to the Amount of the Fee by the said last-mentioned Act directed to be so levied.

Penalty on Officers neglecting or refusing to act hereunder.

XXIII. And be it enacted, That if any Secretary of a Grand Jury, Treasurer of any County, or any Churchwarden of any Parish in *Ireland*, or any Collector of Grand Jury or Parish Cess, or other Person, shall neglect or refuse to perform any of the Duties which by this Act he is required to perform, he shall for every such Offence forfeit and pay to the Queen's most Excellent Majesty, Her Heirs and Successors, the Sum of Fifty Pounds, to be recovered by Information in any One of Her Majesty's Superior Courts of Record in *Ireland*, in addition to any other Liabilities which may attach on him or them, or his or their Sureties, Lands, and Tenements, by reason of such Neglect or Default, or by reason of the Receipt of any Monies under this Act; all which Monies, when received by any such Treasurer, Churchwarden, Collector, or other Person, shall be deemed to be received by him or them to the Use of Her Majesty, Her Heirs and Successors, and to be recoverable and accounted for accordingly as in other Cases of Debtors and Accountants to the Crown.

Officers, Collectors, &c. accountable.

XXIV. And be it enacted, That all and every such Officers as aforesaid, and all Persons respectively employed in the Collection, Receipt, or Custody of Grand Jury or Parish Cess, shall be answerable for, and that all Securities entered into by such Persons in respect of such Employment shall respectively extend to, all Monies to be levied by Grand Jury Presentment, Parochial Assessment, or otherwise under this Act.

Money due by Counties shall be certified by the Paymaster of Civil Services in *Ireland*, unless otherwise provided.

XXV. And be it enacted, That in every Case in which the Grand Jury of any County at any Assizes is or may, by this Act or any other Act or Acts passed or to be passed, be required to present any Money, and in default of its being by such Act or Acts provided that some other Officer or Person shall certify to the Secretary of the Grand Jury for such County the Amount so to be presented, it shall be lawful for the Paymaster of Civil Services in *Ireland*, or for the Secretary of the said Commissioners of Public Works in the Case of any Presentment required to be made for the Purpose of reimbursing or repaying any Monies advanced or expended by the said Commissioners, to certify to such Secretary of the Grand Jury the Amount to be so presented, specifying in such Certificate the Act or Acts under the Authority of which such Presentment is required to be made, and whether such Money is payable against the Whole or any and what Division and Part of the County, and thereupon the like Presentment or Order shall be made, and the like Proceedings taken, the like Powers exercised, and the like Matters and Things whatsoever done and executed for

for rendering effectual the Levy and Payment or Repayment of every Sum so certified as last aforesaid, as are herein-before directed, authorized, and required for rendering effectual the Levy and Repayment of any Sum certified to be due by such Chief or Under Secretary to any such Secretary of the Grand Jury as aforesaid pursuant to the Provisions herein-before in that Behalf contained.

XXVI. And be it enacted, That wherever the Word "County" occurs in this Act, the same shall be construed to extend to and comprehend a County of a City or a County of a Town, as well as a County at large.

Construction of the Word "County."

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. LI.

An Act to regulate the Payment and Assignment in certain Cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance.

[17th August 1839.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for extending to Scotland certain Provisions of an Act for the Relief of the Poor, in so far as the same relate to Parochial Relief to Chelsea and other Pensioners*: And whereas it is expedient to alter and amend the said Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and to repeal the said Act of the Sixth Year of the Reign of King *George* the Fourth, and to make other Provisions with relation to Army, Naval, and other Pensions; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty, so much of the said Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third as directs or authorizes the Assignment of any Pension, Superannuation, or other Allowance granted in respect of Service in the Navy, Royal Marines, Army, or Ordnance for the Indemnity or Reimbursement of Parishes, and as directs or authorizes Justices to order Payment to Parish Officers of any such Pensions, upon any Pensioner or other Person entitled thereto leaving his Wife or Family chargeable to any Parish, and also the whole of the said Act of the Sixth Year of His late Majesty King *George* the Fourth, shall be and the same are hereby repealed.

59 G. 3. c. 12.

6 G. 4. c. 27.

Part of 59 G. 3. c. 12. and whole of 6 G. 4. c. 27. repealed.

II. And be it enacted, That when Relief shall be given to any Person entitled to or in receipt of any Army or Naval Pension, or any Superannuation or other Allowance in respect of his Service in the Army, Navy, Marines, or Ordnance, or any other Branch of the Military Service, or in any Civil Branch of the Army, Navy,

Guardians may require the Payment of Pensions to be made for Re by A

of Pensioners
into the Work-
house.

Marines, or Ordnance, or to his Wife, or to any Person whom he may be liable to maintain, by Admission of such Pensioner, his Wife, or Person, into the Workhouse of any Union or Parish, it shall be lawful for the Guardians of such Union, by Minute, in the Form in the Schedule to this Act annexed marked (A.) with respect to any Pension payable at *Chelsea Hospital*, or payable out of any Funds intrusted to the Commissioners of *Chelsea Hospital* for the Payment of Pensions, and in the Form in the Schedule to this Act marked (B.) with respect to any *Greenwich* Out-pensions, and in the Form in the Schedule to this Act marked (C.) with respect to any other of the before-mentioned Pensions, Superannuation, or Allowance, to require that the next Payment which shall become due of such Pension or Allowance shall be made to such Guardians, who shall transmit a Copy of such Minute, attested by their Clerk, at least One Month before such Payment shall become due, and addressed, as to Pensions or Allowances payable at *Chelsea Hospital* or by the Commissioners of the said Hospital, to the Secretary of *Chelsea Hospital*, with the Words "*Chelsea Pension*" written thereon, and as to *Greenwich* Out-pensions to the Paymaster General, Out-pension Office, *Tower Hill*, with the Words "*Greenwich* Out-pension" written thereon, and as to all other the before-mentioned Pensions to the Paymaster General, *Whitehall, London*; and the Commissioners of *Chelsea Hospital* and Her Majesty's Paymaster General respectively shall thereupon, and upon the like Proof being given as is herein-after directed with respect to Assignments, cause Payment to be made to such Guardians; and the said Guardians shall thereupon enter upon their Minutes the Nature and Amount of Relief actually given to such Pensioner, or his Wife or other Person, and upon Application made by the said Pensioner to the Clerk of the said Guardians shall inform the said Pensioner of the Amount thereof; and the said Guardians so receiving any Pension or Allowance shall retain and apply so much thereof as will repay the Cost of Relief actually given as aforesaid for the Use and Indemnity of the Union or Parish, and shall pay the Surplus (if any) to the Pensioner or Person entitled thereto; and upon the Receipt of any such Minute as aforesaid the Payment of the Pension or other Allowance mentioned therein shall be suspended until sufficient Proof shall have been given to entitle the Guardians named in such Minute to receive the Money thereby required to be paid to them; provided that where such Relief shall not be given to the Pensioner himself the said Guardians, before transmitting any such Minute as aforesaid, shall obtain satisfactory Proof that the Person to whom such Relief shall be given is the lawful Wife of the said Pensioner, or a Person whom such Pensioner is by Law liable to maintain, which Proof shall also be entered upon the Minutes of the said Board of Guardians.

Authorizing
Assignment of
Pension in
certain Cases.

III. And be it enacted, That when any Pensioner, or Person entitled to or in receipt of any Pension or other Allowance as aforesaid, shall apply for temporary Relief to the Guardians of any Union or Parish in *England* or *Ireland*, or to the Churchwardens or Overseers of any Parish in which the Administration of the Relief of the Poor has not been directed to be governed by a Board of Guardians, or not situate within any Union, so long only as such Parish

Parish is not governed by such Guardians, nor situate within any Union, or to the Heritors and Kirk Session in *Scotland*, or shall receive Relief from the said Guardians, Churchwardens and Overseers, or Heritors and Kirk Session, it shall be lawful for the said Guardians, or Churchwardens and Overseers of the Poor, and Heritors and Kirk Session, but not compulsory upon them, to grant such Relief in such Case, or in the event of any Pensioner receiving Relief without previous Application on his Part, and to require the Pensioner applying for or receiving the same to assign to them respectively his next quarterly Payment of Pension or other Allowance, to the Intent that such Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session respectively, may receive the same, and retain for the Use of the said Union or Parish so much thereof as shall have been by them respectively advanced for the temporary Relief of such Pensioner, or of his Wife or Family residing with him in such Union or Parish; and every Assignment to be made of any such Pension or other Allowance for the Purposes and according to the Tenor of this Act shall be exempt from Stamp Duty, and shall, as to any Pensions payable at *Chelsea* Hospital or by the Commissioners thereof, be in the Form set out in the Schedule to this Act marked (D.), and as to *Greenwich* Out-pensions in the Form set out in the Schedule to this Act marked (E.), and as to all other the before-mentioned Pensions and Allowances payable by Her Majesty's Paymaster General in the Form set out in the Schedule to this Act marked (EE.); and every Assignment shall be certified by the Chairman and Clerk of the said Union at some Meeting of the Board of Guardians, or by a Churchwarden or Overseer of such Parish, or One of the Heritors, and shall be attested by One of Her Majesty's Justices of the Peace; and every such Assignment shall be transmitted, within Seven Days after the same shall have been executed, and at least One Month before the Payment thereon shall become due, under Cover, addressed, as to Pensions payable at *Chelsea* Hospital or by the Commissioners of the said Hospital, to the Secretary of *Chelsea* Hospital, with the Words "*Chelsea* Pensioner" written thereon, and with respect to Naval Pensions to the Paymaster General, Out-pension Office, *Tower Hill*, with the Words "*Greenwich* Out-pension" written thereon, and as to all other the before-mentioned Pensions, to the Paymaster General, *Whitehall, London*, who shall thereupon respectively cause the Payment thereof to be made to the said Guardians of the Union or Parish, or to the Churchwardens and Overseers of the Poor of the Parish, or to the Overseers of the Poor alone where there are no Churchwardens, or Heritors and Kirk Session, for whose Security the Assignment shall have been made, in the same Manner as the said Payment would have been made to the Person assigning the same if no such Assignment had been made; and such Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session, are hereby authorized to receive the same, and to retain thereout, for the Use of the said Union or Parish, so much as shall have been advanced and paid on Security thereof; and the said Guardians, Churchwardens and Overseers, or Heritors and Kirk Session respectively, shall keep an Account in Writing of the Sum or Sums so advanced, and also, immediately upon the Receipt of

the said Pension, shall pay the Residue thereof (if any) to the Pensioner by whom such Assignment shall have been made; and if any Question shall arise between the Pensioner making any such Assignment, and the Guardians, or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, receiving the same, touching the Amount which shall be due and payable to them respectively by virtue of any such Assignment, the same shall be determined in a summary Way by One of Her Majesty's Justices of the Peace, and his Order and Determination therein shall be final and conclusive: Provided always, that no such Assignment shall entitle the said Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session, to whom the same shall be made, to receive the Pension or Allowance purporting to be thereby assigned, if the same shall not have been transmitted within Seven Days after the same shall have been executed, if the Party assigning the same shall die before the Time when such Pension would have become payable to him, as if no such Assignment thereof had been made: Provided also, that all Assignments not made in conformity with the Provisions of this Act shall be null and void.

Authorizing
Justices to make
Orders respect-
ing Pensions in
certain Cases.

IV. And be it enacted, That when any Pensioner or other Person entitled to or in receipt of any Army, Naval, or other Pension or Allowance as aforesaid shall leave his Wife or Family in any Union or Parish, or shall suffer them to become chargeable to any Union or Parish, it shall be lawful for Two or more of Her Majesty's Justices of the Peace for the County or Place in which such Union or Parish is situate, upon Complaint thereof made on Oath to, them by any One or more of the Guardians of any such Union or Parish, or any One of the Churchwardens and Overseers of the Poor of such Parish where no Union or Board of Guardians is established, or by the Relieving Officer of such Union or Parish, or the Heritors and Kirk Session in *Scotland*, and upon due and satisfactory Proof being given to the said Magistrates that the Person so left is the lawful Wife of the said Pensioner, or the lawful Child, (as the Case may be,) by Order under their Hands and Seals, as to Army Pensions payable at *Chelsea* Hospital or by the Commissioners thereof in the Form set out in the Schedule to this Act marked (F.), and as to *Greenwich* Out-pensions in the Form set out in the Schedule to this Act marked (G.), and as to all other the before-mentioned Pensions and Allowances payable by Her Majesty's Paymaster General in the Form set out in the Schedule to this Act marked (H.), to direct that One Half of the next Payment which shall become due of such Pension or other Allowance, in case it shall be the Wife or One Child only who shall have been so left or suffered to become chargeable, or Two Thirds thereof in case a Wife and Child, whether his own or a Stepchild, or Two or more Children, shall have been left or suffered to become chargeable, shall be made to the Guardians of such Union or Parish, or to the Churchwardens and Overseers of the Poor of the Parish, or Heritors and Kirk Session, to which such Wife or Family shall have become chargeable; and such Guardians or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, shall transmit or cause to be transmitted such Order as to such Army Pensions as aforesaid to the Commissioners for the Affairs of the Royal Hospital at *Chelsea*,

Chelsea, and with respect to such Naval and other Pensions as aforesaid to the Paymaster General, *Whitehall, London*, in like Manner and within the like Period as any Assignment is hereinbefore directed to be transmitted, which said Commissioners of *Chelsea Hospital* and Her Majesty's Paymaster General respectively shall thereupon, and upon sufficient Proof being given to their Satisfaction respectively that the Person whose Pension shall be directed to be paid shall have been living when the same has become payable, and would have been entitled to receive the same if no such Order had been made, cause the said Payment of One Moiety or Two Thirds, as the Case may be, to be made to the said Guardians of the Union, or Churchwardens and Overseers of the Poor of the Parish, or Heritors and Kirk Session, for whose Security such Order shall have been made; and the Guardians or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, receiving any such Pension by virtue of any such Order, shall retain and apply the same, or so much thereof as shall have been actually expended for the Purposes aforesaid, for the Use and Indemnity of the said Union or Parish, and shall pay the Overplus (if any there shall be) to the Pensioner or Person entitled thereto; and upon the Receipt of any such Order as aforesaid by which the Pension to be mentioned therein shall be directed to be paid as aforesaid, the Payment thereof shall be suspended until sufficient Proof, by the personal Appearance of the Pensioner before the Collector of Excise, or in such other Manner as shall be directed by the Lords and others Commissioners of *Chelsea Hospital*, or Paymaster General, shall have been given, to entitle the said Guardians or Churchwardens and Overseers of the Poor of the Parish in such Order named, or Heritors and Kirk Session, to receive the Money thereby directed to be paid to them; and upon the like Proof, the other Moiety or One Third, as the Case may be, of the quarterly Payment of the said Pension shall be paid by the Commissioners of *Chelsea Hospital* and Her Majesty's Paymaster General respectively to the Pensioner entitled thereto, upon his own Receipt: Provided that in all Cases where it shall be made to appear to the said Justices that the Woman relieved or to be relieved as the Wife of the said Pensioner shall be notoriously profligate, or cohabiting with any other Person than her said Husband, it shall be lawful for the said Justices and they are hereby required to refuse making any Order with respect to the Payment of the said Pension.

V. And be it enacted, That in case any such Army Pensioner as aforesaid shall become insane, it shall be lawful for any One of Her Majesty's Justices of the Peace for the County or Place in which such Pensioner shall reside, upon due Proof being made of such Insanity, to certify the same to the Lords Commissioners of *Chelsea Hospital*, who shall thereupon order and direct, according to their Discretion, that the Pension of the said insane Pensioner shall be paid to the Guardians of the Union or Parish, or Churchwardens and Overseers of the Parish not governed by a Board of Guardians or comprised in any Union, or Heritors and Kirk Session of the Place, in which such Pensioner shall reside, or to the Wife, Child, or other Person to whom the Care of such insane Person shall be intrusted, or to the Treasurer of the County,

As to the Pensions of insane Pensioners.

if

assessment how
to be recovered.

Authority of which the same were made were directed to be repaid by means of Parochial Assessment, such Chief or Under Secretary as aforesaid shall from Time to Time, but not oftener than once in each Year, certify to the Churchwarden or Churchwardens, or in case there shall be no Churchwarden to any Two Inhabitants, of the Parish to or for the Use of which any such Advance as aforesaid was made, or wherein any such Money so advanced may have been expended, the Amount of the Sum or Sums remaining due on account of such Advance, specifying in such Certificate the Purpose or Object on account of which and also the Act or Acts under the Authority of which such Advance was made, and if so authorized by the Commissioners of Her Majesty's Treasury, or any Three or more of them, the Instalment or Portion of such Sum or Sums which it is considered just or necessary to call for at the Time of giving such Certificate; and all and every such Churchwardens or Churchwarden or Inhabitants, as the Case may be, are hereby required, upon the Receipt of such Certificate, to call a Vestry of such Parish, and at such Vestry the Sum or Sums stated in such Certificate to be due and owing by such Parish on account of such Advance aforesaid, or such Instalment or Portion thereof as may be so required by such Certificate to be then assessed, if the Whole shall not be then called for, shall be assessed accordingly, and the same shall be applotted, raised, and levied on such Parish in like Manner as Parochial Assessments may or might have been or be applotted, raised, and levied by virtue of an Act passed in the Seventh Year of the Reign of King *George the Fourth*, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in Ireland*; and the Money so levied shall be paid over in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

7 G. 4. c. 72.

Proceedings in
case of Default
of Vestry
Applotment.

XXI. And be it enacted, That in case such Churchwarden or Churchwardens or Inhabitants (as the Case may be) shall neglect to call such Vestry for the Space of One Month after such Certificate shall be so sent to such Churchwardens or Inhabitants as aforesaid, or in case any Vestry so called shall decline or neglect to make any such Assessment as aforesaid, it shall and may be lawful for the Justices of Her Majesty's Court of Queen's Bench in *Ireland* in case of the County or County of the City of *Dublin*, and for any Judge of Assize in any other County, upon a Motion for that Purpose made in open Court, and such Justices or Judge (as the Case may be) are and is hereby required, to make an Order directing the Sum or Sums which ought to have been so assessed to be raised and levied off such Parish in like Manner as if the same had been duly assessed according to the Provisions of this Act, and also (if necessary) appointing One or more Person or Persons to applot and levy such Sum or Sums upon the Inhabitants of such Parish, or directing the same to be levied by the County Treasurer off the said Parish, as if the same had been presented to be levied thereout by any Grand Jury Presentment; and every such Order shall have the like Force and Effect as any Vote of Vestry duly made under this Act, and shall be to all Intents and Purposes

Purposes deemed, considered, and acted upon as such Vote of Vestry by all and every Person and Persons whose Office or Duty it would have been to carry such Vote of Vestry into effect, or by the said Person or Persons so appointed by the said Court or Judge, or by the said Treasurer, as the Case may be.

XXII. 'And whereas it is expedient to make more effectual Provision for securing the Public Treasury against Loss from the 'Insolvency of County Treasurers and others;' be it therefore enacted, That in every Case in which Money has been or shall be issued out of the Consolidated Fund or any other of the Public Funds or Monies of the United Kingdom, to or for the Use of any County in *Ireland*, or any Part or Division of the same respectively, under the Authority of any Act or Acts which did or do or shall require such Money to be replaced or repaid by means of Grand Jury Presentment, and in pursuance thereof such Money has been or shall be presented or ordered to be levied accordingly, but nevertheless the same is or shall be unpaid by reason of the absconding or Insolvency or Default of the Treasurer of such County, or of any Collector or other Person empowered to collect or receive Public Money therein, then and in every such Case the Amount of the Sum so remaining unpaid as aforesaid shall be certified to the Secretary of the Grand Jury for such County by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and thereupon the like Presentment or Order shall be made, the like Proceedings taken, the like Powers exercised, and Acts and Matters and Things whatsoever done and executed, for rendering effectual the Levy and Repayment of every Sum so certified as last aforesaid, as are hereinbefore directed, authorized, and required for rendering effectual the Levy and Repayment of any other Sum certified to be due by such Chief or Under Secretary to any such Secretary of the Grand Jury as aforesaid pursuant to the Provisions hereinbefore in that Behalf contained: Provided always, that before taking any such Proceedings as aforesaid for procuring the Repayment of any Money which may have been or be so presented, but which shall remain unpaid by reason of the absconding, Insolvency, or Default of any such Treasurer, Collector, or other Person empowered to collect or receive the same as aforesaid, the Commissioners of Her Majesty's Treasury shall cause the Accounts relating to such Issues or Advances and Repayments to be audited and the Balances remaining due to be ascertained by the Officer charged for the Time being with the Duty of auditing the Accounts of the Treasurers of Counties and Counties of Cities and Towns in *Ireland* under an Act passed in the First Year of the Reign of Her present Majesty, intitled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for Public Monies, and to secure the same*; and such Officer is hereby authorized and required to audit the said Accounts and ascertain such Balances, and shall for that Purpose have all such Powers and Authorities as he may now by Law have for the Audit of the said Treasurers Accounts; and the said Officer shall cause a Notice of the Time appointed for the Audit of such Accounts as regards each County respectively to be given to the Secretary of the Grand Jury of such County, who shall lay the same before the Grand Jury of such

Monies lost by Default of County Treasurers to be presented again.

1 & 2 Vict. c. 53.

such County at the next ensuing Assizes; and they shall have Power, if they shall so think fit, to direct the Treasurer of the County to attend such Audit with all proper Vouchers and Documents; and the Expence of the Attendance of such Treasurer, and of any other Person whom such Officer shall deem it necessary to examine on the Matters aforesaid, shall be defrayed to the Extent that shall be approved of by such Officer, and not otherwise, out of the Fee Fund in the said last-recited Act mentioned, and the Amount so disbursed in respect of the Audit of the Accounts of each County shall be levied off each such County by Grand Jury Presentments, together with and in addition to the Amount of the Fee by the said last-mentioned Act directed to be so levied.

Penalty on Officers neglecting or refusing to act hereunder.

XXIII. And be it enacted, That if any Secretary of a Grand Jury, Treasurer of any County, or any Churchwarden of any Parish in *Ireland*, or any Collector of Grand Jury or Parish Cess, or other Person, shall neglect or refuse to perform any of the Duties which by this Act he is required to perform, he shall for every such Offence forfeit and pay to the Queen's most Excellent Majesty, Her Heirs and Successors, the Sum of Fifty Pounds, to be recovered by Information in any One of Her Majesty's Superior Courts of Record in *Ireland*, in addition to any other Liabilities which may attach on him or them, or his or their Sureties, Lands, and Tenements, by reason of such Neglect or Default, or by reason of the Receipt of any Monies under this Act; all which Monies, when received by any such Treasurer, Churchwarden, Collector, or other Person, shall be deemed to be received by him or them to the Use of Her Majesty, Her Heirs and Successors, and to be recoverable and accounted for accordingly as in other Cases of Debtors and Accountants to the Crown.

Officers, Collectors, &c. accountable.

XXIV. And be it enacted, That all and every such Officers as aforesaid, and all Persons respectively employed in the Collection, Receipt, or Custody of Grand Jury or Parish Cess, shall be answerable for, and that all Securities entered into by such Persons in respect of such Employment shall respectively extend to, all Monies to be levied by Grand Jury Presentment, Parochial Assessment, or otherwise under this Act.

Money due by Counties shall be certified by the Paymaster of Civil Services in *Ireland*, unless otherwise provided.

XXV. And be it enacted, That in every Case in which the Grand Jury of any County at any Assizes is or may, by this Act or any other Act or Acts passed or to be passed, be required to present any Money, and in default of its being by such Act or Acts provided that some other Officer or Person shall certify to the Secretary of the Grand Jury for such County the Amount so to be presented, it shall be lawful for the Paymaster of Civil Services in *Ireland*, or for the Secretary of the said Commissioners of Public Works in the Case of any Presentment required to be made for the Purpose of reimbursing or repaying any Monies advanced or expended by the said Commissioners, to certify to such Secretary of the Grand Jury the Amount to be so presented, specifying in such Certificate the Act or Acts under the Authority of which such Presentment is required to be made, and whether such Money is chargeable against the Whole or any and what Division and Part of such County, and thereupon the like Presentment or Order shall be made, the like Proceedings taken, the like Powers exercised, and Acts and Matters and Things whatsoever done and executed,
for

for rendering effectual the Levy and Payment or Repayment of every Sum so certified as last aforesaid, as are herein-before directed, authorized, and required for rendering effectual the Levy and Repayment of any Sum certified to be due by such Chief or Under Secretary to any such Secretary of the Grand Jury as aforesaid pursuant to the Provisions herein-before in that Behalf contained.

XXVI. And be it enacted, That wherever the Word "County" occurs in this Act, the same shall be construed to extend to and comprehend a County of a City or a County of a Town, as well as a County at large.

Construction of the Word "County."

XXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. LI.

An Act to regulate the Payment and Assignment in certain Cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance.

[17th August 1839.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for extending to Scotland certain Provisions of an Act for the Relief of the Poor, in so far as the same relate to Parochial Relief to Chelsea and other Pensioners*: And whereas it is expedient to alter and amend the said Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and to repeal the said Act of the Sixth Year of the Reign of King *George* the Fourth, and to make other Provisions with relation to Army, Naval, and other Pensions; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty, so much of the said Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third as directs or authorizes the Assignment of any Pension, Superannuation, or other Allowance granted in respect of Service in the Navy, Royal Marines, Army, or Ordnance for the Indemnity or Reimbursement of Parishes, and as directs or authorizes Justices to order Payment to Parish Officers of any such Pensions, upon any Pensioner or other Person entitled thereto leaving his Wife or Family chargeable to any Parish, and also the whole of the said Act of the Sixth Year of His late Majesty King *George* the Fourth, shall be and the same are hereby repealed.

59 G. 3. c. 12.

6 G. 4. c. 27.

Part of 59 G. 3. c. 12. and whole of 6 G. 4. c. 27. repealed.

II. And be it enacted, That when Relief shall be given to any Person entitled to or in receipt of any Army or Naval Pension, or any Superannuation or other Allowance in respect of his Service in the Army, Navy, Marines, or Ordnance, or any other Branch of the Military Service, or in any Civil Branch of the Army, Navy,

Guardians may require the Payment of Pensions to be made to them for Relief given by Admission

of Pensioners
into the Work-
house.

Marines, or Ordnance, or to his Wife, or to any Person whom he may be liable to maintain, by Admission of such Pensioner, his Wife, or Person, into the Workhouse of any Union or Parish, it shall be lawful for the Guardians of such Union, by Minute, in the Form in the Schedule to this Act annexed marked (A.) with respect to any Pension payable at *Chelsea* Hospital, or payable out of any Funds intrusted to the Commissioners of *Chelsea* Hospital for the Payment of Pensions, and in the Form in the Schedule to this Act marked (B.) with respect to any *Greenwich* Out-pensions, and in the Form in the Schedule to this Act marked (C.) with respect to any other of the before-mentioned Pensions, Superannuation, or Allowance, to require that the next Payment which shall become due of such Pension or Allowance shall be made to such Guardians, who shall transmit a Copy of such Minute, attested by their Clerk, at least One Month before such Payment shall become due, and addressed, as to Pensions or Allowances payable at *Chelsea* Hospital or by the Commissioners of the said Hospital, to the Secretary of *Chelsea* Hospital, with the Words "*Chelsea* Pension" written thereon, and as to *Greenwich* Out-pensions to the Paymaster General, Out-pension Office, *Tower Hill*, with the Words "*Greenwich* Out-pension" written thereon, and as to all other the before-mentioned Pensions to the Paymaster General, *Whitehall, London*; and the Commissioners of *Chelsea* Hospital and Her Majesty's Paymaster General respectively shall thereupon, and upon the like Proof being given as is herein-after directed with respect to Assignments, cause Payment to be made to such Guardians; and the said Guardians shall thereupon enter upon their Minutes the Nature and Amount of Relief actually given to such Pensioner, or his Wife or other Person, and upon Application made by the said Pensioner to the Clerk of the said Guardians shall inform the said Pensioner of the Amount thereof; and the said Guardians so receiving any Pension or Allowance shall retain and apply so much thereof as will repay the Cost of Relief actually given as aforesaid for the Use and Indemnity of the Union or Parish, and shall pay the Surplus (if any) to the Pensioner or Person entitled thereto; and upon the Receipt of any such Minute as aforesaid the Payment of the Pension or other Allowance mentioned therein shall be suspended until sufficient Proof shall have been given to entitle the Guardians named in such Minute to receive the Money thereby required to be paid to them; provided that where such Relief shall not be given to the Pensioner himself the said Guardians, before transmitting any such Minute as aforesaid, shall obtain satisfactory Proof that the Person to whom such Relief shall be given is the lawful Wife of the said Pensioner, or a Person whom such Pensioner is by Law liable to maintain, which Proof shall also be entered upon the Minutes of the said Board of Guardians.

Authorizing
Assignment of
Pension in
certain Cases.

III. And be it enacted, That when any Pensioner, or Person entitled to or in receipt of any Pension or other Allowance as aforesaid, shall apply for temporary Relief to the Guardians of any Union or Parish in *England* or *Ireland*, or to the Churchwardens or Overseers of any Parish in which the Administration of the Relief of the Poor has not been directed to be governed by a Board of Guardians, or not situate within any Union, so long only as such Parish

Parish is not governed by such Guardians, nor situate within any Union, or to the Heritors and Kirk Session in *Scotland*, or shall receive Relief from the said Guardians, Churchwardens and Overseers, or Heritors and Kirk Session, it shall be lawful for the said Guardians, or Churchwardens and Overseers of the Poor, and Heritors and Kirk Session, but not compulsory upon them, to grant such Relief in such Case, or in the event of any Pensioner receiving Relief without previous Application on his Part, and to require the Pensioner applying for or receiving the same to assign to them respectively his next quarterly Payment of Pension or other Allowance, to the Intent that such Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session respectively, may receive the same, and retain for the Use of the said Union or Parish so much thereof as shall have been by them respectively advanced for the temporary Relief of such Pensioner, or of his Wife or Family residing with him in such Union or Parish; and every Assignment to be made of any such Pension or other Allowance for the Purposes and according to the Tenor of this Act shall be exempt from Stamp Duty, and shall, as to any Pensions payable at *Chelsea* Hospital or by the Commissioners thereof, be in the Form set out in the Schedule to this Act marked (D.), and as to *Greenwich* Out-pensions in the Form set out in the Schedule to this Act marked (E.), and as to all other the before-mentioned Pensions and Allowances payable by Her Majesty's Paymaster General in the Form set out in the Schedule to this Act marked (E.E.); and every Assignment shall be certified by the Chairman and Clerk of the said Union at some Meeting of the Board of Guardians, or by a Churchwarden or Overseer of such Parish, or One of the Heritors, and shall be attested by One of Her Majesty's Justices of the Peace; and every such Assignment shall be transmitted, within Seven Days after the same shall have been executed, and at least One Month before the Payment thereon shall become due, under Cover, addressed, as to Pensions payable at *Chelsea* Hospital or by the Commissioners of the said Hospital, to the Secretary of *Chelsea* Hospital, with the Words "*Chelsea* Pensioner" written thereon, and with respect to Naval Pensions to the Paymaster General, Out-pension Office, *Tower Hill*, with the Words "*Greenwich* Out-pension" written thereon, and as to all other the before-mentioned Pensions, to the Paymaster General, *Whitehall, London*, who shall thereupon respectively cause the Payment thereof to be made to the said Guardians of the Union or Parish, or to the Churchwardens and Overseers of the Poor of the Parish, or to the Overseers of the Poor alone where there are no Churchwardens, or Heritors and Kirk Session, for whose Security the Assignment shall have been made, in the same Manner as the said Payment would have been made to the Person assigning the same if no such Assignment had been made; and such Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session, are hereby authorized to receive the same, and to retain thereout, for the Use of the said Union or Parish, so much as shall have been advanced and paid on Security thereof; and the said Guardians, Churchwardens and Overseers, or Heritors and Kirk Session respectively, shall keep an Account in Writing of the Sum or Sums so advanced, and also, immediately upon the Receipt of the

the said Pension, shall pay the Residue thereof (if any) to the Pensioner by whom such Assignment shall have been made; and if any Question shall arise between the Pensioner making any such Assignment, and the Guardians, or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, receiving the same, touching the Amount which shall be due and payable to them respectively by virtue of any such Assignment, the same shall be determined in a summary Way by One of Her Majesty's Justices of the Peace, and his Order and Determination therein shall be final and conclusive: Provided always, that no such Assignment shall entitle the said Guardians, or Churchwardens and Overseers, or Heritors and Kirk Session, to whom the same shall be made, to receive the Pension or Allowance purporting to be thereby assigned, if the same shall not have been transmitted within Seven Days after the same shall have been executed, if the Party assigning the same shall die before the Time when such Pension would have become payable to him, as if no such Assignment thereof had been made: Provided also, that all Assignments not made in conformity with the Provisions of this Act shall be null and void.

Authorizing
Justices to make
Orders respect-
ing Pensions in
certain Cases.

IV. And be it enacted, That when any Pensioner or other Person entitled to or in receipt of any Army, Naval, or other Pension or Allowance as aforesaid shall leave his Wife or Family in any Union or Parish, or shall suffer them to become chargeable to any Union or Parish, it shall be lawful for Two or more of Her Majesty's Justices of the Peace for the County or Place in which such Union or Parish is situate, upon Complaint thereof made on Oath to, them by any One or more of the Guardians of any such Union or Parish, or any One of the Churchwardens and Overseers of the Poor of such Parish where no Union or Board of Guardians is established, or by the Relieving Officer of such Union or Parish, or the Heritors and Kirk Session in *Scotland*, and upon due and satisfactory Proof being given to the said Magistrates that the Person so left is the lawful Wife of the said Pensioner, or the lawful Child, (as the Case may be,) by Order under their Hands and Seals, as to Army Pensions payable at *Chelsea* Hospital or by the Commissioners thereof in the Form set out in the Schedule to this Act marked (F.), and as to *Greenwich* Out-pensions in the Form set out in the Schedule to this Act marked (G.), and as to all other the before-mentioned Pensions and Allowances payable by Her Majesty's Paymaster General in the Form set out in the Schedule to this Act marked (H.), to direct that One Half of the next Payment which shall become due of such Pension or other Allowance, in case it shall be the Wife or One Child only who shall have been so left or suffered to become chargeable, or Two Thirds thereof in case a Wife and Child, whether his own or a Stepchild, or Two or more Children, shall have been left or suffered to become chargeable, shall be made to the Guardians of such Union or Parish, or to the Churchwardens and Overseers of the Poor of the Parish, or Heritors and Kirk Session, to which such Wife or Family shall have become chargeable; and such Guardians or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, shall transmit or cause to be transmitted such Order as to such Army Pensions as aforesaid to the Commissioners for the Affairs of the Royal Hospital at

Chelsea,

Chelsea, and with respect to such Naval and other Pensions as aforesaid to the Paymaster General, *Whitehall, London*, in like Manner and within the like Period as any Assignment is hereinbefore directed to be transmitted, which said Commissioners of *Chelsea Hospital* and Her Majesty's Paymaster General respectively shall thereupon, and upon sufficient Proof being given to their Satisfaction respectively that the Person whose Pension shall be directed to be paid shall have been living when the same has become payable, and would have been entitled to receive the same if no such Order had been made, cause the said Payment of One Moiety or Two Thirds, as the Case may be, to be made to the said Guardians of the Union, or Churchwardens and Overseers of the Poor of the Parish, or Heritors and Kirk Session, for whose Security such Order shall have been made; and the Guardians or Churchwardens and Overseers of the Poor, or Heritors and Kirk Session, receiving any such Pension by virtue of any such Order, shall retain and apply the same, or so much thereof as shall have been actually expended for the Purposes aforesaid, for the Use and Indemnity of the said Union or Parish, and shall pay the Overplus (if any there shall be) to the Pensioner or Person entitled thereto; and upon the Receipt of any such Order as aforesaid by which the Pension to be mentioned therein shall be directed to be paid as aforesaid, the Payment thereof shall be suspended until sufficient Proof, by the personal Appearance of the Pensioner before the Collector of Excise, or in such other Manner as shall be directed by the Lords and others Commissioners of *Chelsea Hospital*, or Paymaster General, shall have been given, to entitle the said Guardians or Churchwardens and Overseers of the Poor of the Parish in such Order named, or Heritors and Kirk Session, to receive the Money thereby directed to be paid to them; and upon the like Proof, the other Moiety or One Third, as the Case may be, of the quarterly Payment of the said Pension shall be paid by the Commissioners of *Chelsea Hospital* and Her Majesty's Paymaster General respectively to the Pensioner entitled thereto, upon his own Receipt: Provided that in all Cases where it shall be made to appear to the said Justices that the Woman relieved or to be relieved as the Wife of the said Pensioner shall be notoriously profligate, or cohabiting with any other Person than her said Husband, it shall be lawful for the said Justices and they are hereby required to refuse making any Order with respect to the Payment of the said Pension.

V. And be it enacted, That in case any such Army Pensioner as aforesaid shall become insane, it shall be lawful for any One of Her Majesty's Justices of the Peace for the County or Place in which such Pensioner shall reside, upon due Proof being made of such Insanity, to certify the same to the Lords Commissioners of *Chelsea Hospital*, who shall thereupon order and direct, according to their Discretion, that the Pension of the said insane Pensioner shall be paid to the Guardians of the Union or Parish, or Churchwardens and Overseers of the Parish not governed by a Board of Guardians or comprised in any Union, or Heritors and Kirk Session of the Place, in which such Pensioner shall reside, or to the Wife, Child, or other Person to whom the Care of such insane Person shall be intrusted, or to the Treasurer of the County,

As to the Pensions of insane Pensioners.

if

if such Pensioner shall be confined in a County Lunatic Asylum, or public Asylum, or House licensed for the Reception of Persons insane; and the Receipt of the Person to whom the same shall be directed to be paid shall be a sufficient Voucher and Discharge for so much Money as shall appear to have been paid thereon.

When Officers or Seamen become lunatic their Pensions payable to their Wives, &c.

VI. ' And whereas by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, to amend and consolidate the Laws relating to the Pay of the Royal Navy, Power is vested in the Commissioners for executing the Office of Lord High Admiral to direct Pensions payable to the Officers and Seamen of the Royal Navy, and to the Officers of Marines and to Marines, who shall become lunatic, or so much of such Pensions as the said Commissioners shall think fit, to be disposed of in the Maintenance of such lunatic Persons, and it is expedient that such Power should be extended to the Pensions, Superannuations, [and other Allowances made to Persons for Services in the Civil Departments of the Navy;] be it therefore enacted and declared, That in all Cases when any such Persons as last mentioned are or shall become lunatic, such Pensions, Superannuations, or other Allowances, or so much thereof as the said Commissioners for executing the Office of Lord High Admiral shall deem expedient, shall and may be paid by the Paymaster General to the Wife, Relative, or other Person having the Care and Maintenance of the Lunatic, to be applied towards his Support; and the Receipt of the Wife, Relative, or other Person as aforesaid to whom the same shall be so paid shall be a sufficient Discharge to the said Paymaster General for the same.

Orders and Assignments relating to the same Quarter's Pension to be paid according to Priority of Dates.

VII. And be it enacted, That if it shall happen that the Minute of any Board of Guardians, and any Assignment by the Person entitled, and any Order of Justices relating to the same Pension, or any Two of such Instruments, shall, as to such Army Pensions, be received at *Chelsea* Hospital, and as to such *Greenwich* Out Pensions be received at the Pension Office, *Tower Hill, London*, or as to any other of such Pensions or other Allowance as aforesaid be received at the Office of the Paymaster General at *Whitehall*, in any One Quarter, the Commissioners of *Chelsea* Hospital or Her Majesty's Paymaster General respectively shall pay the Quarter's Pension upon such One of the said respective Instruments as shall have been first executed according to the Date thereof, and duly transmitted, so as to enable the Commissioners and Her Majesty's Paymaster General respectively, according to their usual Course of forwarding the Receipts for quarterly Pensions, to confer such Priority; and in the Event of any such Instruments being dated and received the same Day, then a proportionate Part of the Pension to which such Instruments relate shall be paid upon every or each of the said Instruments.

To prevent Frauds in Assignments.

VIII. ' And whereas great Frauds have been practised, and exorbitant and usurious Interest obtained from Pensioners, upon Assignments made under colour of the said Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, and according to the Form set out in the said Act, although the Money advanced thereon has not been advanced out of Parish Funds, nor to reimburse a Parish for Relief given to the Prisoner by the Churchwardens and Overseers; ' be it therefore

fore enacted, That if any Person entitled to Pension or other Allowance shall assign or aid or assist in making an Assignment thereof, or of any quarterly or other Payment thereof, to any Person or Persons whatsoever, except to the Guardians of any Union or Parish, or to the Churchwardens and Overseers of the Poor of the Parish wherein such Pensioner resides, or to the Heritors and Kirk Session of any Place in *Scotland* where such Pensioner resides, and except for Relief granted out of the Funds of such Union, Parish, or Townland to such Pensioner, or his Wife or Family residing with him in such Parish, it shall be lawful for the Lords and others Commissioners of *Chelsea* Hospital, so far as relates to Army or other Pensions payable by such Commissioners, and for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, with respect to Naval and Marine Pensions or other Allowance, immediately to take away the Pension from the Person so offending, or to suspend for any definite Period the future Payments thereof; and if any Person or Persons shall procure or induce a Pensioner to make or aid or assist him in making any Assignment of Pension, Superannuation, or other Allowance as aforesaid, to any Person or Persons other than the Guardians of any Union or Parish as aforesaid, or the Churchwardens and Overseers of the Parish wherein such Pensioner resides, or any Heritors and Kirk Session in *Scotland* as aforesaid, or shall make or aid or assist in making any Assignment which shall not be given by the said Pensioner or Person entitled to other Allowance as aforesaid, and received by the said Guardians, Parish Officers, or Heritors and Kirk Session as a Security for Relief given or Money granted or advanced out of the Funds of such Union, Parish, Townland, or Place, and for reimbursing the Guardians, Churchwardens, and Overseers, or Heritors and Kirk Session advancing the same, or shall receive or accept as Payment or Security for Money or for Goods advanced or agreed to be advanced to or lent or given to any such Pensioner or Person entitled as aforesaid, or shall demand or charge any Interest or pecuniary or other Compensation for advancing Money upon any Pension or other Allowance so assigned or taken, or pretended to be assigned or taken, such Person or Persons shall for every such Offence be deemed guilty of a Misdemeanor, and shall upon every Conviction thereof be punished by such Fine or Imprisonment, or both, as the Court before which such Person or Persons shall be convicted shall adjudge.

IX. And be it enacted, That if any Person shall forge or counterfeit or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any Minute, Copy of Minute, Assignment of Pension, Superannuation, or other Allowance as aforesaid, Order, Certificate, Receipt, Document, or Authority whatsoever relating to or in anywise concerning the claiming or obtaining Payment of any Pension Money or other Allowance as aforesaid, or shall utter or publish as true, or knowingly and willingly act, aid, or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such Minute, Copy, Assignment, Order, Certificate, Receipt, Document, or Authority relating to or anywise concerning the claiming or obtaining

The forging
Documents
Felony.

obtaining Payment of any Pension Money or other Allowance as aforesaid, or the Name of any Pensioner, Justice of the Peace, Guardian, Parish Officer, or other Officer, or any other Person authorized, or supposed or purporting to be authorized, to sign any such Minute, Copy, Assignment, Order, Certificate, Receipt, Document, or Authority, with Intent or in order to obtain, or to enable any other Person to obtain, the Payment of any such Pension or Pension Money or other Allowance as aforesaid from the Commissioners of *Chelsea Hospital* or Her Majesty's Paymaster General respectively, or from any Officer, under Officer, Clerk, or Servant of the said Commissioners of *Chelsea Hospital* or of Her Majesty's Paymaster General respectively, or from any Person authorized or supposed to be authorized to pay any Pension or Pension Money or other Allowance as aforesaid, every such Person so offending shall be guilty of Felony, and shall and may be transported for such Term of Years or suffer such other Punishment, as the Court before which such Person or Persons shall be convicted shall adjudge.

Definition of
" Parish."

X. And be it enacted, That the Term " Parish " shall extend, wherever the Context shall so require, to all Places separately maintaining their own Poor.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Minute of Board of Guardians.

THE Guardians of the Union or Parish of _____ in the County of _____ do hereby certify to the Lords and others Commissioners of the Royal Hospital for Soldiers at Chelsea in the County of Middlesex, That _____ an Out-pensioner from the _____ Regiment of _____ at _____ per Diem, was on the _____ Day of _____ received into the Workhouse at _____ [or That the Wife or other Relation whom the said _____ is bound to maintain, *as the Case may be*], by Order of the said Guardians; and the said Guardians do thereupon, in pursuance of an Act passed in the _____ Year of Her Majesty Queen Victoria, intituled [*the Title of this Act*], require that the next Quarter's Pension of the said _____ shall be paid to the said Guardians, to be applied pursuant to the Provisions of the said Act of Parliament.

Dated _____

Certified on the _____ Day of _____ at a Meeting of the Board of the said Guardians by _____

A.B., Chairman.
C.D., Clerk.

To the Lords and others
Commissioners of Chelsea Hospital.

SCHEDULE (B.)

Form of Minute of Board of Guardians.

THE Guardians of the Union or Parish of _____ in the County of _____ do hereby certify to Her Majesty's Paymaster General, That _____ a Greenwich Out-pensioner, No. _____

No. , at per Annum, was on the Day of
received into the Workhouse at

[or That the Wife or other Relation whom the said
is bound to maintain, *as the Case may be*], by Order of the said
Guardians; and the said Guardians do thereupon, in pursuance
of an Act passed in the Year of Her Majesty Queen
Victoria, intituled [*the Title of this Act*], require that the next
Quarter's Pension of the said shall be paid to
the said Guardians, to be applied pursuant to the Provisions of the
said Act of Parliament.

Dated

Certified on the Day of at a Meeting of the
Board of the said Guardians by

A.B., Chairman.

C.D., Clerk.

To Her Majesty's Paymaster General,
Greenwich Out-pension Office, Tower Hill.

SCHEDULE (C.)

Form of Minute of Board of Guardians.

THE Guardians of the Union or Parish of in the
County of do hereby certify to Her Majesty's Pay-
master General, That a Person entitled to [*here
state whether for Pension or Allowances in Civil or Military Service,
not as Chelsea or Greenwich Out-pensioner*] at
per
Annum, was on the Day of received into
the Workhouse at [or That the Wife or other Rela-
tion whom the said is bound to maintain, *as
the Case may be*], by Order of the said Guardians; and the said
Guardians do thereupon, in pursuance of an Act passed in the
Year of Her Majesty Queen *Victoria*, intituled [*the
Title of this Act*], require that the next Quarter's Pension of the
said shall be paid to the said Guardians to be
applied pursuant to the Provisions of the said Act of Parliament.

Dated

Certified on the Day of at a Meeting of the
Board of the said Guardians by

A.B., Chairman.

C.D., Clerk.

To Her Majesty's Paymaster General,
Whitehall, London.

SCHEDULE (D.)

I [*naming the Pensioner and the Regiment from which he was
discharged*] do hereby assign to the Guardians of the Union or
Parish of [*or, as the Case may be, the Church-
wardens and Overseers of the Poor of the Parish of
or to the Heritors and Kirk Session of*], in which Union
[or Parish] I am now residing, the next Payment of my Pension
at the Rate of per Diem, granted to me as
and payable from in order to secure to the said Union
[or Parish] of the Repayment of the Sum of
advanced to me by such Guardians, [*or Churchwardens and Over-
seers,*

seers, or Heritors and Kirk Session, *as the Case may be,*] out of the Funds of the said Union [*or Parish*].

, Pensioner.

Signed by the above-named _____ before me, One
of Her Majesty's Justices of the Peace for _____ this
Day of _____, Justice.

We do hereby certify the above Assignment to be made pursuant to Act _____ Victoria, Cap. _____ intituled [*stating the Title of this Act*], and to be for Relief given out of the Funds of the said Union [*or Parish*] on the _____ Day of _____ at a Meeting of the Board of the said Guardians.

A.A., Chairman.

A.B., Clerk.

Or C.D., the Churchwarden, and

D.E., the Overseer of

Or E.F., one of the Heritors, and

F.G., an Elder of

SCHEDULE (E.)

I [*naming the Pensioner*] do hereby assign to the Guardians of the Union *or Parish* of _____ [*or, as the Case may be, the Churchwardens and Overseers of the Poor of the Parish of _____ or to the Heritors and Kirk Session of _____*], in which Union [*or Parish*] I am now residing, the next Payment of my Greenwich Out-pension at the Rate of _____ per Annum, granted to me as _____ and payable from _____ in order to secure to the said Union [*or Parish*] of _____ the Repayment of the Sum of _____ advanced to me by such Guardians [*or Churchwardens or Overseers, or Heritors and Kirk Session, as the Case may be,*] out of the Funds of the said Union [*or Parish*].

, Pensioner.

Signed by the above-named _____ before me, One of
Her Majesty's Justices of the Peace for _____ this
Day of _____, Justice.

We do hereby certify the above Assignment to be made pursuant to Act _____ Victoria, Cap. _____ intituled [*stating the Title of this Act*], and to be for Relief given out of the Funds of the said Union [*or Parish*] on the _____ Day of _____ at a Meeting of the Board of the said Guardians.

A.A., Chairman.

A.B., Clerk.

Or C.D., the Churchwarden, and

D.E., the Overseer of

Or E.F., one of the Heritors and

F.G., an Elder of

SCHEDULE (EE.)

I [*naming the Person*] do hereby assign to the Guardians of the Union [*or Parish*] of _____ [*or, as the Case may be, the Churchwardens and Overseers of the Poor of the Parish of _____*]

or

or to the Heritors and Kirk Session of _____], in which
 Union [or Parish] I am now residing, the next Payment of my
 [here state whether for Pension or Allowances in Civil
 or Military Services, not as Chelsea or Greenwich Out-pensioner]
 at _____ per Annum, and payable from
 in order to secure to the said Union [or Parish] of
 the Repayment of the Sum of _____ advanced to me
 by such Guardians [or Churchwardens or Overseers or Heritors
 and Kirk Session, as the Case may be,] out of the Funds of the
 said Union [or Parish]. _____, Pensioner.

Signed by the above-named _____ before me,
 One of Her Majesty's Justices of the Peace for
 this _____ Day of _____, Justice.

We do hereby certify the above Assignment to be made pursuant
 to Act _____ Victoria, Cap. _____ intituled [stating the Title of
 this Act], and to be for Relief given out of the Funds of the said
 Union [or Parish] on the _____ Day of _____ at a
 Meeting of the Board of the said Guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

SCHEDULE (F.)

Form of Order to be made in pursuance of _____ Victoria,
 Cap. _____

County of } To the Right Honourable the Lords and others Com-
 } missioners of the Royal Hospital, Chelsea.

WHEREAS Complaint upon Oath hath been made unto us, Two
 of Her Majesty's Justices of the Peace acting in and for the said
 County by the _____ of the Union [or Parish] of
 in the County aforesaid, that _____ late a Soldier in the
 Regiment of _____ but now a Pensioner of the
 Royal Hospital at Chelsea from the said Regiment at the Rate of
 per Diem, hath suffered his _____ to become
 chargeable thereto, and that _____ now maintained by
 the said Union [or Parish] at the Expence of _____
 per Week, and due Proof having been given to us of the said
 being the lawful Wife [or lawful Children] of the
 said _____ [or that the said _____ is liable
 to maintain the said _____ as the Case may be]:

Now we do hereby, in pursuance of the Statute in that Case made
 and provided, order and direct, That _____ [one Moiety,
 or Two Thirds, as the Case may be,] of the next Payment which
 shall become due of such Pension shall be paid by the said Commis-
 sioners to the Guardians [or Churchwardens and Overseers, or
 Heritors and Kirk Session, as the Case may be,] of the said Union
 [or Parish] of _____ in order that they may retain
 and apply the same, or so much thereof as shall have been actually
 expended

expended as aforesaid, for the Use and Indemnity of the said Union [or Parish], paying the Overplus (if any) to the Pensioner or Person entitled thereto.

Given under our Hands and Seals this Day of
in the Year of our Lord One thousand eight hundred and
at in the County aforesaid.

SCHEDULE (G.)

Form of Order to be made in pursuance of Victoria, Cap. .
County of } To Her Majesty's Paymaster General.

WHEREAS Complaint upon Oath hath been made unto us, Two of Her Majesty's Justices of the Peace acting in and for the said County, by the of the Union [or Parish] of in the County aforesaid, that a Greenwich Out-pensioner, No. at the Rate of per Annum, hath suffered his to become chargeable thereto, and that now maintained by the said Union [or Parish] at the Expence of per Week, and due Proof having been given to us of the said being the lawful Wife [or lawful Children] of the said [or that the said is liable to maintain the said as the Case may be] :

Now we do hereby, in pursuance of the Statute in that Case made and provided, order and direct, That [one Moiety, or Two Thirds, as the Case may be,] of the next Payment which shall become due of such Pension shall be paid by Her Majesty's Paymaster General to the Guardians [or Churchwardens and Overseers, or Heritors and Kirk Session, as the Case may be,] of the said Union [or Parish] of in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the Use and Indemnity of the said Union [or Parish], paying the Overplus (if any) to the Pensioner or Person entitled thereto.

Given under our Hands and Seals this Day of
in the Year of our Lord One thousand eight hundred and
at in the said County of .

SCHEDULE (H.)

Form of Order to be made in pursuance of Victoria, Cap. .
County of } To Her Majesty's Paymaster General.

WHEREAS Complaint upon Oath hath been made unto us, Two of Her Majesty's Justices of the Peace acting in and for the said County, by of the Union [or Parish] of in the County aforesaid, that a Person entitled to [here state whether for Pension or Allowances in Civil or Military Service, not as Chelsea or Greenwich Out-pensioner] at the Rate of per Annum, hath suffered his to become chargeable thereto, and that the said is [or are] now maintained by the said Union [or Parish] at the Expence of per Week, and due Proof having been given to

payable are to be paid, that is to say, whether on posting the Letter or on the Receipt thereof, or at either of those Times, at the Option of the Sender: Provided always, that all such Warrants shall be inserted in the *London Gazette* Ten Days at least before coming into operation, and shall within Fourteen Days after making the same be laid before both Houses of Parliament (if then sitting), or otherwise within Fourteen Days after Parliament shall meet.

Rates to be charged by Postmaster General.

II. And be it enacted, That the Rates of Postage from Time to Time to be altered or reduced and fixed by any such Warrant shall be charged by and be paid to Her Majesty's Postmaster General, for the Use of Her Majesty, on all Post Letters to which such Warrant shall extend.

Treasury may suspend Power of franking.

III. And be enacted, That it shall be lawful for the Lords of the Treasury by Warrant under their Hands, to suspend, wholly or in part, any parliamentary or official Privilege of sending and receiving Letters by the Post free of Postage, or any other franking Privilege of any Description whatsoever, as well under an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage*, as under any other Act or Acts of Parliament now in force, and to make such Regulations for the future Exercise of official Franking as they shall think fit: Provided also, that every Warrant to be issued by the Lords of the Treasury for the Suspension of the parliamentary Privilege of franking shall be inserted in the *London Gazette* Ten Days at least before coming into operation, and shall, within Fourteen Days after making the same, be laid before both Houses of Parliament (if then sitting), or otherwise within Fourteen Days after Parliament shall meet.

7 W. 4. &
1 Vict. c. 35.

Treasury may regulate Two-penny and Penny Posts.

IV. And be it enacted, That it shall be lawful for the Lords of the Treasury, by Warrant under their Hands, and inserted in the *London Gazette* Ten Days at least before coming into operation, to suspend, wholly or in part, the Regulations and Privileges established and given by Law in respect of Letters sent by the Two-penny Post in *London* and *Dublin*, and also by any Penny Post, and in respect of any other Letters which may be now sent by the Post at a low or reduced Rate of Postage, or free of Postage, and to declare and direct that all and every or any of such Post Letters shall be charged and chargeable with the like Rates of Postage as any other Letters transmitted by the Post, or to make such other Regulations in respect thereof as in any such Warrant shall from Time to Time be expressed.

Stamped Covers.

V. Provided always, and be it enacted, That it shall be lawful for the Lords of the Treasury, by Warrant under their Hands, to be inserted in the *London Gazette*, (which Warrant may be rescinded, varied, or altered as they shall from Time to Time think fit,) to direct that Letters written on stamped Paper or enclosed in stamped Covers, or having a Stamp affixed thereto, (the Stamp in every such Case being of the Value or Amount in such last-mentioned Warrant to be expressed, and specially provided for the Purpose under the Authority of this Act,) shall, if within the Limitation of Weight to be fixed under the Provisions of this Act, and if the Stamp have not been used before, pass by the Post free of Postage, and also to require that every Letter sent by the

Post

Post shall, in the Cases to be specified in any such last-mentioned Warrant, be written on such stamped Paper, or enclosed in such stamped Cover, or have such Stamp as aforesaid affixed, or that in default thereof, or in case the Stamp on which any Letter shall be written, or the Stamp on the Cover in which it shall be enclosed, or to which it shall be affixed, shall be of less Value or Amount than in such Warrant shall be expressed, or shall have been used before, such Letter shall be charged and chargeable with such Rate of Postage as such Warrant shall direct.

VI. And be it enacted, That it shall be lawful for the Lords of the Treasury to order and direct the Commissioners of Stamps and Taxes from Time to Time to provide proper and sufficient Dies or other Implements for expressing and denoting the Rates or Duties which shall be directed by any such Warrant as aforesaid, and to give any other Orders and make any other Regulations relative thereto they may consider expedient.

Providing
Stamps.

VII. And be it enacted, That the Commissioners of Stamps and Taxes shall cause a separate Account to be kept of the Stamp Duties arising under this Act; and it shall be lawful for the Lords of the Treasury and they are hereby empowered, by Warrant under their Hands, from Time to Time to authorize and require the said Commissioners of Stamps and Taxes to direct their Receiver General to pay over such Sum and Sums of Money arising from the said Stamp Duties as the Lords of the Treasury shall think proper, to the Account of the Receiver General of Her Majesty's Post Office at the Bank of *England*; and all such Sums of Money which shall be so paid over shall be held by the said last-mentioned Receiver General subject to all Annuities and yearly Sums now charged by Law on or payable out of the Post Office Revenue, and all other Charges, Outgoings, and Disbursements to which the Post Office Revenue is at present liable.

Account to be
kept of Stamps.

VIII. And be it enacted, That the Rates or Duties which shall be expressed or denoted by any such Dies as aforesaid shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by the several Acts now in force relating to Stamp Duties (so far as the same may be applicable) shall be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this present Act, and to the Paper on which the same shall be impressed or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the Rates or Duties denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Rates or Duties respectively.

Rates on
stamped Covers
to be deemed
Stamp Duties.

IX. And be it enacted, That all Post Letters shall be posted, forwarded, conveyed, and delivered under and subject to all such Orders and Directions, Regulations, Limitations, and Restrictions,

Letters to be
sent as Post-
master General
shall direct.

as the Postmaster General, with the Consent of the Lords of the Treasury, shall from Time to Time direct.

Masters of Outward-bound Vessels required to take Bags of Letters.
7 W. 4. &
1 Vict. c. 36.

X. And be it enacted, That the Penalty which by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, is imposed on every Master of a Vessel outward bound to *Ceylon*, the *Mauritius*, the *East Indies*, or the *Cape of Good Hope*, who shall refuse to take a Post Letter Bag delivered or tendered to him by an Officer of the Post Office, shall henceforth extend and apply to the Master of every Vessel outward bound who shall refuse to take a Post Letter Bag delivered or tendered to him by an Officer of the Post Office for Conveyance; but every such Master shall be entitled to the same Gratuities as the Master of any other Vessel, not being a Post Office Packet, conveying Letters for or on behalf of the Post Office.

Treasury may alter Gratuities to Masters of Vessels carrying Bags of Letters.

XI. And be it enacted, That it shall be lawful for the Lords of the Treasury to make any Reduction or Alteration they may consider expedient in the Gratuities allowed by Law to Masters of Vessels for Letters conveyed by them, for or on behalf of the Post Office, between Places within the United Kingdom and between the United Kingdom and the Islands of *Man*, *Jersey*, *Guernsey*, *Sark*, and *Alderney*, and to allow any Gratuities for the Conveyance of Letters to Masters of Vessels passing to or from or between any of Her Majesty's Colonies or Possessions beyond the Seas, if they shall think fit, not exceeding the Gratuities payable to Masters of Vessels for the Conveyance of Ship Letters from the United Kingdom to Places beyond the Seas.

The Word "Letter" to be deemed all Papers transmitted by Post.

XII. And be it enacted, That whenever the Word "Letter" or "Letters," is used in this Act, the same shall be held to include Newspapers, and any other Packet, Paper, Article, or Thing transmitted by the Post, but not so as to deprive Newspapers of any Privilege they now legally possess of passing free of Postage; and that the Provisions of this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in the said Act of the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, so far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Provisions.

7 W. 4. &
1 Vict. c. 36.

Quorum of Lords of the Treasury.

XIII. And be it enacted, That wherever the Order, Consent, or Direction, or any other Act of the Lords of the Treasury is prescribed or required by this Act, such Order, Consent, Direction, or other Act may be signified under the Hands of the Lords of the Treasury or any Three of them.

Continuance of Act.

XIV. And be it enacted, That this Act, and all Warrants issued under the Authority of the same, shall absolutely cease and determine on the Fifth Day of *October* One thousand eight hundred and forty, unless Parliament shall declare to the contrary, except in respect of any Postage Duties which may then have become payable

able under or by virtue of this Act, and of any Proceeding for Recovery of such Duties, and except also as to any Offence committed against the Provisions of this or any other Act, and any Fine or Penalty incurred by reason of any such Offence, and any Proceeding for Recovery of any such Fine or Penalty, or for the Punishment of any Offender.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

C A P. LIII.

An Act to amend an Act of the last Session of Parliament for making temporary Provision for the Government of *Lower Canada*. [17th August 1839.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province*, whereby, among other things, it was enacted, that there should be within each of the Provinces of *Upper Canada* and *Lower Canada* respectively a Legislative Council and an Assembly, to be constituted in manner therein described, and with such Powers and Authorities as therein mentioned: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to make temporary Provision for the Government of Lower Canada*, whereby it was enacted, that from the Proclamation of the Act until the First Day of *November* One thousand eight hundred and forty so much of the said Act of the Thirty-first Year of the Reign of His Majesty King *George* the Third, and of any other Act or Acts of Parliament, as provides for the Constitution or calling of a Legislative Council or Assembly for the Province of *Lower Canada*, or confers any Powers or Functions upon them or either of them, should cease; and by the said Act now in recital Provision is made in the meantime for the Appointment by Her Majesty of a Special Council for the Affairs of *Lower Canada*, and for the making of Laws or Ordinances for the Government of the said Province by the Governor thereof, with the Advice and Consent of the Majority of the Councillors present at any Meeting of the Council: And whereas it is expedient that some of the Provisions contained in the said lastly-recited Act should be altered: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Number of Councillors forming the Special Council in manner provided by the said Act passed in the last Session of Parliament shall not be less than Twenty, and that no Business shall be transacted at any Meeting of the said Special Council at which there are not present at least Eleven Councillors.

31 G. S. c. 31.

1 & 2 Vict. c. 9.

The Special Council to consist of not less than Twenty Members, and no Business to be transacted unless Eleven be present.

Repeal of Provision of 1 & 2 Vict. c. 9. preventing the making of permanent Laws; but all permanent Laws to be laid for Thirty Days before Parliament previous to being confirmed.

Repeal of the Provision of 1 & 2 Vict. c. 9. prohibiting Taxation; but no new Tax to be levied except for Public Works and Objects of Municipal Government; and such Taxes not to be appropriated by Government.

Repeal of the Provision of 1 & 2 Vict. c. 9.

II. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that no Law or Ordinance made by the Governor of the said Province of *Lower Canada*, with such Advice and Consent as therein mentioned, shall continue in force beyond the First Day of *November* One thousand eight hundred and forty-two, unless continued by competent Authority, shall be and the same is hereby repealed: Provided always, that every Law or Ordinance which by the Terms and Provisions thereof shall be made to continue in force after the said First Day of *November* One thousand eight hundred and forty-two shall be laid before both Houses of Parliament within Thirty Days after a Copy thereof shall be received by One of Her Majesty's Principal Secretaries of State, under the Provisions of the said Act of the last Session of Parliament, if Parliament shall be then sitting, or otherwise within Thirty Days after the then next Meeting of Parliament; and no such Law or Ordinance shall be confirmed or declared to be left to its Operation by Her Majesty until such Law or Ordinance shall first have been laid for Thirty Days before both Houses of Parliament, or in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to disallow any such Law or Ordinance.

III. And be it enacted, That from and immediately after the passing of this Act so much of the said recited Act passed in the last Session of Parliament as provides that it shall not be lawful, by any such Law or Ordinance as therein mentioned, to impose any Tax, Duty, Rate, or Impost, save only in so far as any Tax, Duty, Rate, or Impost which at the passing of that Act was payable within the said Province of *Lower Canada* might be continued, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance imposing or authorizing the Imposition of any new Tax, Duty, Rate, or Impost, except for carrying into effect local Improvements within the said Province of *Lower Canada*, or any District or other local Division thereof, or for the Establishment or Maintenance of Police, or other Objects of Municipal Government, within any City or Town or District or other local Division of the said Province: Provided also, that in every Law or Ordinance imposing or authorizing the Imposition of any such new Tax, Duty, Rate, or Impost, Provision shall be made for the levying, Receipt, and Appropriation thereof by such Person or Persons as shall be thereby appointed or designated for that Purpose, but that no such new Tax, Rate, Duty, or Impost shall be levied by or made payable to the Receiver General or any other public Officer employed in the Receipt of Her Majesty's ordinary Revenue in the said Province; nor shall any such Law or Ordinance as aforesaid provide for the Appropriation of any such new Tax, Duty, Rate, or Impost by the said Governor, either with or without the Advice of the Executive Council of the said Province, or by the Commissioners of Her Majesty's Treasury, or by any other Officer of the Crown employed in the Receipt of Her Majesty's ordinary Revenue.

IV. And be it enacted, That from and after the passing of this Act so much of the said recited Act passed in the last Session of

Parliament as provides that it shall not be lawful for any such Law or Ordinance as therein mentioned to repeal, suspend, or alter any Provision of any Act of the Parliament of *Great Britain*, or of the Parliament of the United Kingdom, or of any Act of the Legislature of *Lower Canada*, as then constituted, repealing or altering any such Act of Parliament, shall be and the same is hereby repealed: Provided always, that it shall not be lawful for the said Governor, with such Advice and Consent as aforesaid, to make any Law or Ordinance altering or affecting the Temporal or Spiritual Rights of the Clergy of the United Church of *England* and *Ireland*, or of the Ministers of any other Religious Communion, or altering or affecting the Tenure of Land within the said Province of *Lower Canada*, or any Part thereof, save so far as the Tenure of Land may be altered or affected by any Law or Ordinance which may be made by the said Governor, with such Advice and Consent as aforesaid, to provide for the Extinction of any Seigniorial Rights and Dues now vested in or claimed by the Ecclesiastics of the Seminary of *Saint Sulpice* of *Montreal* within the said Province, or to provide for the Extinction of any Seigniorial Rights and Dues vested in or claimed by any other Person or Persons or Body or Bodies Corporate or Politic, within the Island of *Montreal*, or the Island called *Ile Jesus*, within the said Province.

prohibiting the Alteration of Acts of Parliament; but no Law to be made affecting the Temporal or Spiritual Rights of Ecclesiastics, or the Law of Tenure.

V. And be it enacted, That every Law or Ordinance to be made by the said Governor, with such Advice and Consent as aforesaid, shall, before the passing or Enactment thereof, be published at length in the public Gazette of the said Province of *Lower Canada*.

Laws, &c. to be published in Gazette.

VI. And be it enacted, That for the Purposes of this Act the Person authorized to execute the Commission of Governor of the Province of *Lower Canada* shall be taken to be the Governor thereof.

Definition of Governor.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

C A P. LIV.

An Act to amend the Law relating to the Custody of Infants.

[17th August 1839.]

‘ WHEREAS it is expedient to amend the Law relating to the Custody of Infants: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Lord Chancellor and the Master of the Rolls in *England*, and for the Lord Chancellor and the Master of the Rolls in *Ireland*, respectively, upon hearing the Petition of the Mother of any Infant or Infants being in the sole Custody or Control of the Father thereof or of any Person by his Authority, or of any Guardian after the Death of the Father, if he shall see fit, to make Order for the Access of the Petitioner to such Infant or Infants, at such Times and subject to such Regulations as he shall deem convenient and just; and if

Judges in Equity may make Order, on Petition, for Access of Mothers to their infant Children, and if such Children be within the Age of Seven Years, for Delivery of them to their

Custody until
attaining such
Age.

such Infant or Infants shall be within the Age of Seven Years, to make Order that such Infant or Infants shall be delivered to and remain in the Custody of the Petitioner until attaining such Age, subject to such Regulations as he shall deem convenient and just.

Affidavits to be
received, and
Parties deposing
falsely guilty
of Perjury.

II. And be it enacted, That on all Complaints made under this Act it shall be lawful for the Lord Chancellor or the Master of the Rolls in *England*, and for the Lord Chancellor or the Master of the Rolls in *Ireland*, to receive Affidavits sworn before any Master in Ordinary or Master Extraordinary of the Court of Chancery; and that any Person who shall depose falsely and corruptly in any Affidavits so sworn shall be deemed guilty of Perjury, and incur the Penalties thereof.

Orders may be
enforced by
Process of
Contempt.

III. And be it enacted, That all Orders which shall be made by virtue of this Act by the Lord Chancellor or the Master of the Rolls in *England*, and by the Lord Chancellor or the Master of the Rolls in *Ireland*, shall be enforced by Process of Contempt of the High Court of Chancery in *England* and *Ireland* respectively.

No Mother
against whom
Adultery has
been established
entitled to
Benefit of Act.

IV. Provided always, and be it enacted, That no Order shall be made by virtue of this Act whereby any Mother against whom Adultery shall be established, by Judgment in an Action for Criminal Conversation at the Suit of her Husband, or by the Sentence of an Ecclesiastical Court, shall have the Custody of any Infant or Access to any Infant, any thing herein contained to the contrary notwithstanding.

Act may be
amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

C A P. LV.

An Act to suspend, until the First Day of *August* One thousand eight hundred and forty, certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts. [17th *August* 1839.]

5 & 6 W. 4. c. 30. ' WHEREAS an Act was passed in the Session held in the
' Fifth and Sixth Years of the Reign of King *William* the
' Fourth, intituled *An Act for protecting the Revenues of vacant*
' *Ecclesiastical Dignities, Prebends, Canonries, and Benefices with-*
' *out Cure of Souls, and for preventing the Lapse thereof, during*
' *the pending Inquiries respecting the State of the Established*
' *Church in England and Wales: And whereas another Act was*
6 & 7 W. 4. c. 67. ' passed in the following Session, intituled *An Act for suspending*
' *for One Year Appointments to certain Dignities and Offices in*
' *Cathedral and Collegiate Churches, and to Sinecure Rectories:*
' And whereas another Act was passed in the same Session, inti-
6 & 7 W. 4. c. 77. ' tuled *An Act for carrying into effect the Reports of the Commis-*
' *sioners appointed to consider the State of the Established Church*
' *in England and Wales with reference to Ecclesiastical Duties and*
' *Revenues, so far as they relate to Episcopal Dioceses, Revenues,*
' *and Patronage, in which latter Act are contained certain Pro-*
' *visions which were to continue in force for One Year after the*
' *passing thereof, or, if Parliament should be then sitting, till the*
' *End of the Session of Parliament: And whereas the said secondly-*
' recited

recited Act, and the temporary Provisions of the said last-recited Act, have been continued, by Two Acts passed for that Purpose in the Two last Sessions of Parliament, until the First Day of August in the present Year, and if Parliament shall be then sitting, until the End of the Session of Parliament: And whereas the Commission in the said first-recited Act mentioned expired in consequence of the Demise of the Crown, but the Inquiries thereby directed, and the Measures consequent thereon, have not yet been brought to a Termination, and it is therefore expedient to continue the said secondly-recited Act, and the temporary Provisions of the said thirdly-recited Act, for a limited Time, and with the Exceptions herein-after mentioned; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said secondly-recited Act, and the said temporary Provisions of the said thirdly-recited Act, shall continue and be in force until the First Day of August One thousand eight hundred and forty, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: Provided always, notwithstanding any thing in this Act or in the said recited Act contained, that upon the Vacancy of any Three Prebends in the Cathedral Church of *Canterbury* in the Patronage of the Crown it shall be lawful for Her Majesty to appoint a Successor to the Third of such vacant Prebends, and upon the Vacancy of any Two Prebends in the same Church in the Patronage of the Lord Archbishop of *Canterbury* it shall be lawful for the said Archbishop to appoint a Successor to the Second of such vacant Prebends; and that upon the Vacancy of any Two Canonries or Prebends Residentiary in either of the Cathedral Churches of *Bristol*, *Chester*, *Ripon*, *Salisbury*, or *Wells*, it shall be lawful to appoint or elect a Successor to the Second of such vacant Canonries or Prebends Residentiary in such Churches respectively; and that upon the Vacancy of Two Prebends in either of the Cathedral Churches of *Gloucester*, *Norwich*, or *Rochester*, besides the Prebends which are respectively annexed to the Masterships of *Pembroke College* in *Oxford*, and of *Catherine Hall* in *Cambridge*, the Provostship of *Oriel College* in *Oxford*, and the Archdeaconry of *Rochester* respectively, it shall be lawful to appoint a Successor to the Second of such vacant Prebends in such Churches respectively; and that upon the Vacancy of any Three Canonries or Prebends Residentiary in either of the Cathedral Churches of *Ely*, *Exeter*, *Winchester*, or *Worcester*, or in the Collegiate Church of *Saint Peter*, *Westminster*, or in Her Majesty's Royal Free Chapel of *Saint George* in *Windsor*, besides the Prebend in the said Church of *Worcester* which is annexed to the Lady *Margaret's* Professorship of Divinity in the University of *Oxford*, it shall be lawful to appoint a Successor to the Third of such vacant Canonries or Prebends Residentiary in such Churches respectively; and that nothing in the said recited Acts or in this Act contained shall prevent the Appointment of the Reverend *Henry Jenkyns*, Professor of *Greek* in the University of *Durham*, to the Prebend in the Cathedral Church of *Durham* designed for him by the late *William* Bishop of *Durham*, and now held by *Richard Prosser*, Doctor of

7 W. 4. &
1 Vict. c. 71.
1 & 2 Vict. c. 108

Former Suspension Acts continued for a Year.

Exceptions.

Divinity, if the same shall become vacant; and that upon the Vacancy of any other Three Prebends in the same Cathedral Church, besides the Fourth Prebend, which is by an Act passed in the Second Year of His late Majesty's Reign to be annexed to the Archdeaconry of *Durham*, it shall be lawful to appoint a Successor to the Third of such vacant Prebends; and that in the same Cathedral Church, and in the said Collegiate Church of *Saint Peter, Westminster*, it shall be lawful to fill up any Vacancy whereby the Number of Prebendaries in such Two last-mentioned Churches respectively shall be reduced below the Number of Six; and that when the Canonry and Prebend in the Cathedral Church of *Hereford* now held by *Henry Charles Hobart* shall become vacant it shall be lawful to appoint a Successor thereto.

Patron of vacant
Sinecure to be
Patron of any
appendant
Benefice.

II. And be it enacted, That during the Vacancy of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, which is now vacant under the Provisions of the said recited Acts, or which shall hereafter become vacant during the Continuance of this Act, the Holder or Incumbent of which respectively, if a Successor had been duly admitted thereto, would have been in right thereof the Patron of any Benefice with Cure of Souls, the Patron of such Dignity, Prebend, Canonry, or Benefice without Cure of Souls shall be considered for all legal Purposes to be the Patron for the Time being of any such Benefice with Cure of Souls.

First-recited
Act to apply
to present and
future Vacan-
cies.

III. And be it declared and enacted, That all the Powers and Provisions of the said first-recited Act (except only so far as the same are varied by the said secondly-recited Act) shall extend and apply to all Dignities, Prebends, Canonries, and Benefices without Cure of Souls which have become vacant since the Fourth Day of *February* in the first-recited Act mentioned, or which shall become vacant during the Continuance of this Act, except only as to so much of the Profits and Emoluments of any Prebend or Canonry to which a Successor has been or may be appointed under the said recited Acts or One of them, or this Act, as may have accrued or may accrue since or after the Appointment of such Successor.

Proviso for
Visitations, &c.
within new
Limits of
Dioceses.

IV. Provided always, and be it enacted, That, notwithstanding any thing in this Act or in the said recited Acts contained, any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitation of Bishops and Archdeacons in the Places assigned to his Jurisdiction and Authority, under or by virtue of the Enactments of the thirdly-recited Act, and any Bishop may consecrate a new Church or Chapel or a new Burial Ground within his Diocese, as assigned under the Provisions of the last-mentioned Act.

Not to prevent
Appointments
to qualify for
holding a Dean-
ery or Canonry
Residentiary.

V. And be it enacted, That, in order to prevent any Difficulty which by reason of the Restrictions contained in the said secondly-recited Act might occur in any Cathedral Church in the filling up of the Deanery thereof, or of a Canonry Residentiary therein, in consequence of the Provisions of any Statute, or of any Usage or Custom of such Church, nothing in the said secondly-recited Act or in this Act contained shall, during the Vacancy of the Deanery of any Cathedral Church, prevent the Appointment or Collation of any Spiritual Person to any Canonry, Prebend, or Dignity, or his Appoint-

Appointment to any Canonry Residentiary in such Church, to the Intent and Purpose that such Spiritual Person may be appointed, elected, or otherwise admitted to the Deanery of the same Church, nor the Appointment of any Spiritual Person already holding a Canonry, Prebend, or Dignity in such Cathedral Church to any Canonry Residentiary therein, to the same Intent and Purpose, nor during the Vacancy of any Canonry Residentiary in any Cathedral Church, which, notwithstanding the Restrictions aforesaid, may, according to the Provisions of the said secondly-recited Act or of this Act, be filled up, shall prevent the Appointment or Collation of any Spiritual Person to any Canonry, Prebend, or Dignity in the same Church to the Intent and Purpose that such Spiritual Person may be appointed to such Canonry Residentiary, but that every Spiritual Person who by virtue of this Provision shall be admitted to any Canonry, Prebend, or Dignity, or to any Canonry Residentiary, to either of the Intents and Purposes aforesaid, shall hold and enjoy the same respectively, with all the Rights, Privileges, and Emoluments to the same respectively belonging or appertaining, subject nevertheless to such Measures and Regulations as may hereafter be enacted respecting the same: Provided always, that if after the Appointment or Collation to any Canonry, Prebend, or Dignity, or the Appointment to any Canonry Residentiary, in any Cathedral Church, by virtue of this Provision, of any Spiritual Person, to the Intent and Purpose of his being appointed, elected, or otherwise admitted to the Deanery thereof, or to a vacant Canonry Residentiary therein, any other than such Spiritual Person shall be appointed, elected, or otherwise admitted to such Deanery or last-mentioned Canonry Residentiary, as the Case may be, the Canonry, Prebend, or Dignity, or the Canonry Residentiary, to which such Spiritual Person shall have been appointed or collated, shall be and be held to be *ipso facto* vacant, and the Appointment, Collation, Election, or other Admission thereto absolutely void and of no Effect.

C A P. LVI.

An Act for the better ordering of Prisons.

[17th August 1839.]

‘ WHEREAS the Laws now in force for regulating Gaols and Houses of Correction in *England* and *Wales*, and for the Classification, Government, and Instruction of the Prisoners confined therein, require to be amended:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, and of an Act passed in the Fifth Year of the same King, intituled *An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction, in England and*

Extending the Powers of 4 G. 4. c. 64. and 5 G. 4. c. 85. to all Gaols, except as to Classification of Prisoners, subject to 5 & 6 W. 4. c. 38. and 6 & 7 W. 4. c. 105. and this Act.

and Wales, as does not relate to the Classification of Prisoners of each Sex into distinct Classes, shall, subject to an Act made in the Sixth Year of the Reign of His late Majesty, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain*, and to an Act made in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in certain Boroughs*, and subject to this Act, extend to every Gaol, House of Correction, Bridewell, and Penitentiary in *England and Wales* now or hereafter to be provided, and not exclusively used for the Confinement of Debtors, except the *Queen's Bench* and *Fleet* Prisons, and the General Penitentiary at *Millbank*.

Justices, &c.
authorized to
make Rules for
Classification
and Separation
of Prisoners.

II. And be it enacted, That so much of the said Act of the Fourth Year of King *George* the Fourth as provides that no Classification of Prisoners shall be made inconsistent with or contrary to the Classification directed by that Act is hereby repealed, and that the Persons authorized by Law to make Rules and Regulations, to be submitted to One of Her Majesty's Principal Secretaries of State, for the Government of any Prison in *England or Wales*, shall be empowered, if they shall think fit, to make Rules for a different Classification of Prisoners of each Sex in such Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, Religious and Moral Instruction, and Employment, and from Time to Time to alter or add to such Rules; and the Secretary of State, if he shall think that the Rules so made and submitted to him for a different Classification of Prisoners of each Sex, or for the individual Separation of Prisoners, are fit to be enforced in that Prison, shall subscribe a Certificate or Declaration that they are proper to be enforced, and the Rules so made and certified, but not until they shall have been so certified, shall be enforced; and if the Gaol or House of Correction for which they shall be made was before the passing of this Act within any Provision of either of the first Two recited Acts, shall be taken to supersede the Rules and Provisions enacted in the first Two recited Acts, or either of them, for the Classification of Prisoners of each Sex confined therein.

Secretary of
State to certify
the Fitness of
them.

Prisoners may
be separately
confined.

III. And be it enacted, That, in order to prevent the Contamination arising from the Association of Prisoners in any Prison in which Rules for the individual Separation of Prisoners shall be in force, any Prisoner may be separately confined during the Whole or any Part of the Period of his or her Imprisonment, under the Restrictions herein-after provided.

Separate Con-
finement not to
be deemed
solitary Con-
finement.
Regulations
respecting
separate Con-
finement.

IV. And be it declared and enacted, That separate Confinement under the Provisions of this Act shall not be deemed solitary Confinement within the Meaning of any Act forbidding the Continuance of solitary Confinement for more than a limited Time: Provided always, that no Cell shall be used for the separate Confinement of any Prisoner which is not of such a Size, and lighted, warmed, ventilated, and fitted up in such Manner, as may be required by a due Regard to Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; and that no Cell shall be used for such
separate

separate Confinement until its Fitness in these several Particulars shall have been certified by One of the Inspectors of Prisons to One of Her Majesty's Principal Secretaries of State; and that every Prisoner so separately confined shall have the Means of taking Air and Exercise at such Times as shall be deemed necessary by the Surgeon, and shall be furnished with the Means of Moral and Religious Instruction, and with suitable Books, to be chosen as herein-after provided, and also with Labour or Employment, unless it shall be deemed advisable by the Secretary of State to make and certify a Regulation for withholding, for a Period or Periods not exceeding One Calendar Month at any one Time, such Labour or Employment: Provided also, that if it shall any Time be made to appear to the Secretary of State that the Conditions upon which such Rules for the separate Confinement of Prisoners were allowed have not been fulfilled, or that upon further Inquiry it shall appear that the Provisions required are insufficient, it shall be lawful for the Secretary of State to annul the Rules so made and allowed as aforesaid, and thenceforward the Rules so annulled shall cease to be of force in that Prison, and thereafter it shall not be lawful to continue any Prisoner in separate Confinement in that Prison until new Provisions shall have been made and allowed as aforesaid for the separate Confinement of Prisoners therein: Provided also, that in case the Prison shall be inadequate for the individual Separation of all the Prisoners who may be confined therein at one Time, the Rules of the Prison shall specify the Class or Description of Prisoners who shall be confined in the separate Cells, having regard either to the Nature of the Crime with which the Prisoner may be charged or of which he or she may have been convicted, or to the Sex or Age of the Prisoner, or to the Term of Imprisonment, or to such other Circumstances as the Persons authorized to make such Rules shall think fit, and as the Secretary of State shall approve.

V. And be it enacted, That the Prisoners of each Sex in every Gaol, House of Correction, Bridewell, and Penitentiary in *England* and *Wales*, which before the passing of this Act was not within the Provisions of the said Act of the Fourth Year of the Reign of King *George* the Fourth, as amended by the said Act of the Fifth Year of the same Reign, and in which a more minute Classification or individual Separation shall not be in force, shall be at least divided into the following Classes; (that is to say,)

Different
Classes of
Prisoners.

First—Debtors, in those Prisons, in which Debtors may be lawfully confined:

Second—Prisoners committed for Trial:

Third—Prisoners convicted, and sentenced to hard Labour:

Fourth—Prisoners convicted, and not sentenced to hard Labour:

Fifth—Prisoners not included in the foregoing Classes:

And that in every Prison in *England* and *Wales* separate Rules and Regulations shall be made for every Class of Prisoners in that Prison.

VI. And be it enacted, That the following Rules shall be observed in every Prison in *England* and *Wales*, in addition to and in amendment of the other Rules and Regulations which shall be in force in such Prison:

General Rules
to be observed
in Prisons.

First—

First—No Keeper nor Officer of a Prison, nor any Person in Trust for or employed by him, shall let or have any Benefit or Advantage from the Loan or letting of any Article or any Dealing whatsoever to or with any Prisoner :

Second—In every Prison in which the Keeper shall not visit every Ward, and see every Prisoner, and inspect every Cell, Once at least in every Twenty-four Hours, the Keeper shall state the Cause of Omission in his Journal :

Third—The Wards, Cells, and Yards allotted to Female Prisoners shall be locked by Keys in the Custody of the Matron, and secured by Locks different from those securing the Wards, Cells, and Yards allotted to Male Prisoners :

Fourth—No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardaman, Yardsman, Overseer, Monitor, or Schoolmaster, or in the Discipline of the Prison, or in the Service of any Officer thereof, or in the Service or Instruction of any other Prisoner ; but this Rule shall not be taken to prevent the Employment of any Debtor in that Part of the Prison in which he or she may be lawfully confined in any Manner in which he or she shall be willing to be employed, and which is consistent with his or her safe Custody :

Fifth—Every Order of the Surgeon for the Admission of Spirituous Liquors or Tobacco into the Prison shall be in Writing, and shall be entered by him in his Journal ; and no Tobacco in any Shape shall be admitted for the Use of any Prisoner, except in such Quantities, in such Manner, and at such Times as shall be ordered by the Surgeon ; and the Surgeon shall enter in the *English* Language Day by Day, in a Journal which shall be kept in the Prison, an Account of the State of every sick Prisoner, the Name of his or her Disease, and a Description of the Medicines and Diet and any other Treatment which he may order for such Prisoner :

Sixth—No Prisoner shall be kept in Irons for more than Twenty-four Hours without an Order in Writing from a Visiting Justice, or Visitor where there are no Visiting Justices, specifying the Cause thereof, and the Time during which the Prisoner is to be kept in Irons, which Order shall be preserved by the Keeper as his Warrant :

Seventh—No Money, Food, Perquisite, or Gratuity of any Kind, under the Name of Garnish, or under any Name or Pretence whatever, shall be taken or received from any Prisoner on his or her Entrance into the Prison, or from any Person on his or her Account, or at any other Time, but the Keeper of every Prison, or such other Person as shall be directed by the Rules of the Prison, shall take Charge of the Monies and Effects of every Prisoner, for safe Custody only, and for the Purpose of being restored to such Prisoner, or to some Person on his or her Behalf, under such Regulations as may be made for that Purpose :

Eighth—No Books or printed Papers shall be admitted into any Prison but those which shall be chosen by the Chaplain for the Use of Prisoners belonging to the Established Church, and by the Visiting Justices for the Use of the other Prisoners ; and the Keeper shall keep a Catalogue
of

of all Books and printed Papers allowed to be admitted into the Prison: Provided always, that in case there shall be a Difference of Opinion between the Chaplain and Visiting Justices with respect to the Books or Papers proper to be admitted for the Use of the Prisoners belonging to the Established Church, Reference shall be had to the Bishop of the Diocese, whose Decision shall be final.

VII. And be it enacted, That it shall be lawful for the Keeper of every Prison, with the Approval of the Visiting Justices, to appoint an Officer of the Prison to act as Deputy Keeper whenever the Keeper shall be necessarily absent from the Prison; and during such necessary Absence of the Keeper the Deputy Keeper shall have all the Powers and Duties of the Keeper of the Prison, and the Keeper shall be civilly responsible for all Acts and Omissions of his Deputy Keeper.

Deputy Keepers may be appointed.

VIII. And be it enacted, That so much of the said Act of the Fourth Year of the Reign of King *George* the Fourth as requires the Keeper of any Prison to account to any convicted Prisoner for the net Profits which such Prisoner shall have earned by his or her Work, Labour, or Employment in the Prison, or any Part thereof, or for any Allowance for the Work and Labour done by such Prisoner, and to pay the Amount of all Accumulations of such Allowance to such Prisoner, at his or her Discharge, is hereby repealed; and that no Officer of any Prison shall be allowed any Wages or Profit in Money or otherwise in respect of the Work performed by any Prisoner; and that the Allowances which the Visiting Justices shall grant out of his or her Earnings to any Prisoner committed for Trial, against whom no Bill of Indictment shall be found by the Grand Jury, or who upon his or her Trial shall be acquitted of the Offence or Offences with which he or she was charged, shall be such as, under all the Circumstances attending the Case of such Prisoner, shall appear to them fit and reasonable, and shall not be given to such Prisoner until he or she shall be discharged from the Prison.

Repeal of Part of 4 G. 4. c. 64. as to Convicts employed in Gaol.

No Officer to profit by their Work.

Allowances to certain Prisoners.

IX. And be it enacted, That the Return required by the said Act of the Fifth Year of King *George* the Fourth to be made in the Form of the Schedule to that Act annexed marked (A.), and the Returns of the General Penitentiary at *Milbank* now required to be made to the Court of Queen's Bench, need not be made after the Commencement of this Act.

Abrogation of Return required by 5 G. 4. c. 85.

X. And be it enacted, That the Return required by the said Act of the Fourth Year of the Reign of King *George* the Fourth to be made in the Form in that Act annexed marked (B.) shall, after the Commencement of this Act, be made in the amended Form of the Schedule to this Act annexed, or in such other Form as from Time to Time shall be directed by One of Her Majesty's Principal Secretaries of State.

Return required by 4 G. 4. c. 64. to be made in the Form in the Schedule.

XI. And be it enacted, That every Prison which is inadequate to give Effect to the Rules prescribed by this Act, or to be made and submitted to the Secretary of State under the Authority of this Act, shall be taken to be within the Provisions of the said Act of the Fourth Year of the Reign of King *George* the Fourth concerning Prisons which are inadequate to give Effect to the Rules and

Insufficient Prisons may be presented or reported as such.

and Regulations prescribed by the last-recited Act, and may be reported or presented accordingly.

Plans of new Prisons to be approved by Secretary of State.

XII. And be it enacted, That it shall not be lawful to enlarge, build, or rebuild any Prison until a Plan of such Prison or intended Prison, and of the intended Additions thereunto, drawn upon a Scale of not less than One Sixteenth of an Inch to a Foot, shall have been sent to One of Her Majesty's Principal Secretaries of State, and until the Secretary of State shall have subscribed a Certificate or Declaration approving such Plan, except in the Case herein-after provided; Provided always, that in every Case in which the Secretary of State shall disapprove any such Plan he shall state in Writing under his Hand the Grounds of his Disapproval; and it shall not be lawful for him to disapprove the Plan of any intended Prison in which Rules for the separate Confinement of Prisoners are not in force on the sole Ground that such Plan does not allow the separate Confinement of Prisoners.

Disapproval.

If 3 Months elapse after Plan received without Notice, &c.

XIII. Provided always, and be it enacted, That if Three Calendar Months shall elapse from the Time when such Plan shall have been received by the Secretary of State, without any Notification by the Secretary of State that such Plan is disapproved by him, such Plan may be put in execution, although no such Certificate or Declaration shall have been subscribed as aforesaid.

Provision for Prisons for which there is no Clerk of the Peace or Chief Magistrate.

XIV. And be it enacted, That in every Case in which there shall be any Prison of which the Rules and Regulations made for the Government thereof are directed by the said Act of the Sixth Year of the Reign of His late Majesty to be submitted to One of Her Majesty's Principal Secretaries of State, and for which there shall be no Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate to perform the Duties required by the last-recited Act to be performed by such Clerk or Chief Magistrate respectively, the Persons authorized by Law to make Rules for the Government of such Prison, to be submitted to the Secretary of State, shall do or cause to be done all Things by the said Act required to be done by the said Clerks and Chief Magistrates respectively in regard of the Rules and Regulations of such Prison, and shall be within all the Provisions of the last-recited Act in respect of such Rules and Regulations.

Chaplains of Gaols to be appointed.

XV. And be it enacted, That in every Borough Gaol and House of Correction a Clergyman of the Church of *England* shall be appointed to be Chaplain thereof, by the same Authority by which the Keeper is appointed, but no such Chaplain shall officiate in any Prison until he shall have obtained a Licence from the Bishop of the Diocese, or for any longer Time than while such Licence shall continue in force; and Notice of every such Appointment shall, within One Month after it shall take place, be transmitted to the Bishop, by the Town Clerk.

Chaplains of certain Gaols to hold no other Benefice.

XVI. And be it enacted, That no Person who shall be appointed after the Commencement of this Act to the Office of Chaplain of any Prison in which the average Number of Prisoners confined at one Time during the Three Years next before his Appointment shall not have been less than One hundred shall hold any Benefice with Cure of Souls, or any Curacy, whilst holding the Office of Chaplain of such Prison; and that in every Prison in which the average Number of Prisoners confined at one Time during the

Assistant Chaplains may be appointed.

Three Years next before his Appointment shall not have been less than Two hundred and fifty, it shall be lawful for the Justices or other Persons having the Appointment of the Chaplain to appoint, if they shall see fit, an Assistant Chaplain or Assistant Chaplains, and for the Persons having the Control of the Funds applicable to the Expences of such Prison to fix the Salary to be paid to such Assistant Chaplain or Assistant Chaplains, and to make Orders for the Payment thereof out of the Fund applicable to those Expences: Provided always, that every such Chaplain and Assistant Chaplain shall reside within a Distance not exceeding One Mile from the Prison in which they hold their Chaplaincies: Provided also, that nothing herein contained shall be construed to affect the Appointment or the Salary of the Chaplain of the Royal Hospital of *Bridewell*.

XVII. And be it enacted, That it shall be lawful to keep to hard Labour every Offender against whom Sentence of Death shall be recorded and not pronounced by the Court while he or she shall remain in the Gaol or House of Correction, if his or her Health shall permit; and it shall be lawful for One of Her Majesty's Principal Secretaries of State, if he shall think fit, to order that any such Offender be removed from the Common Gaol to the House of Correction, and there kept to hard Labour: Provided always, that it shall not be lawful to continue to keep any such Offender to hard Labour if the Sentence of Death so recorded and not pronounced by the Court shall at any Time be commuted for any Punishment of which hard Labour does not form a Part.

Offenders
against whom
Sentence of
Death is re-
corded may be
kept to hard
Labour.

XVIII. ' And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act to amend the Acts for regulating the General Penitentiary at Millbank*, Provision was made relative to the Terms of Imprisonment of Persons sent to the said Penitentiary under Sentences or Orders of Transportation for Seven Years, Fourteen Years, or Life, but for no other Periods; be it therefore enacted, That it shall be lawful for Her Majesty, by an Order in Writing, to be notified by the Secretary of State, to direct that any Person who may be under Sentence or Order of Transportation for any Offence committed in *Great Britain*, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed from the Gaol or Prison in which such Person may be confined, shall be removed to the said Penitentiary, there to remain during the Term of Three Years and Six Calendar Months in case such Convict shall be under Sentence or Order of Transportation for any Term exceeding Seven Years and not exceeding Ten Years, and there to remain during the Term of Four Years in case such Convict shall be under Sentence or Order of Transportation for any Term exceeding Ten Years and not exceeding Fifteen Years; the said Terms of Imprisonment of Three Years and Six Calendar Months and of Four Years respectively to be computed from the Day of the Conviction of the Offender.

7 W. 4. &
1 Vict. c. 13.
extended to
Persons under
Sentences of
Transportation,
&c.

XIX. And be it enacted, That it shall be lawful for the Secretary of State at any Time to order any Convict to be removed from the said Penitentiary as incorrigible; and in every such Case

As to Convicts
removed from
Penitentiary as
incorrigible.

the Convict so removed shall be liable to be transported under his or her original Sentence or Sentences of Transportation, or confined in the Prison in which he or she would have been imprisoned but for his or her Removal to the Penitentiary, for the full Extent of the Term or Terms specified in his or her original Sentence or Sentences; and every such incorrigible Convict shall be subject to all the Consequences of his or her original Sentence or Sentences, in the same Manner as if no Order for his or her being sent to the Penitentiary had been made.

One Pentagon in Penitentiary to be set apart for Confinement of Soldiers or Marines.

XX. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of One of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act or Acts now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Soldier or Marine convicted by a Court-martial may be sent, in the Case of a Soldier by Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, and in case of a Marine by Order in Writing of the Commissioners for executing the Office of Lord High Admiral, to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Superintendent of Pentagon appointed by Superintending Committee to be the sole Superintendent.

XXI. And be it enacted, That the Person who shall for the Time being be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the Pentagons occupied by Soldiers or Marines shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Soldiers and Marines confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of One of Her Majesty's Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Soldiers and Marines confined therein: Provided always, that nothing herein contained shall prevent any Soldier or Marine confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Soldiers may be taken to the Chapel.

Persons attempting to introduce forbidden Articles into Gaols may be apprehended.

XXII. And be it enacted, That if any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or any other Means, to introduce, into any Prison to which this Act shall extend, any Letters, Tobacco, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Offence in a summary Way; and if he shall lawfully convict such Person of such Offence he shall forthwith commit such

Punishment for such Offence.

Offender

Offender to the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding One Calendar Month, without Bail or Mainprize, unless such Offender shall immediately pay down such Sum of Money, not exceeding Five Pounds nor less than Forty Shillings, as such Justice shall impose; and such Fine shall be paid towards the Expence of the Maintenance of such Prison.

XXIII. And be it enacted, That in this Act, unless the Context shall require a different Construction, the Word "Prison" shall be taken to mean and comprise every Gaol, House of Correction, Bridewell, Penitentiary, Lock-up House, or other Place used for the Confinement of Persons charged with or convicted of any Offence punishable by Law; and the Words "Visiting Justices" shall be taken to mean and comprise a Visitor duly appointed in Prisons where there are no Visiting Justices; and the Word "Prisoners" shall include Persons committed to Prison for Want of Bail or Sureties, as well as Persons charged with or convicted of any Offence, or otherwise detained by legal Authority.

Meaning of the Words "Prisons" and "Prisoners."

XXIV. And be it enacted, That if the Persons authorized by Law to appoint the Gaoler or Keeper of any Prison shall appoint such Keeper by the Style of Governor, such Governor shall have all the Powers and Duties of the Gaoler or Keeper of that Prison; and all Enactments made with regard to the Gaoler or Keeper shall apply to the Governor so appointed.

Governors may be appointed.

XXV. And be it enacted, That this Act shall commence and take effect from the First Day of *January* in the Year One thousand eight hundred and forty.

Commencement of Act.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

**SCHEDULE to which
FORM of ANNUAL RETURN**

1. Number of Prisoners the Prison is capable of containing in separate Sleeping Cells.	2. Number of Prisoners the Prison is capable of containing where more than One Prisoner sleeps in One Cell.	3. Total Number of Prisoners.		4. Number of Debtors.		5. Number of Misdemeanors.		6. Number of Felons.		7. Number of Prisoners committed in the course of the Year.	8. Number of Tried Prisoners.		9. Number of Untried Prisoners.		10. Number of Prisoners above 16 Years of Age.		11. Number of Prisoners under 16 Years of Age.		
		Mich: 18	Mich: 18	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.
<p><i>Note.</i>—The Total of the Columns 4, 5, of the Column No.3; and the Aggregate</p>																			
19.—Whether Common Gaol, House of Correction, or Bridewell?																			
20.—Under whose Jurisdiction and Superintendence?																			
21.—Number of Officers, and how appointed?																			
22.—Number of Classes, Wards, or Divisions, Work Rooms, Day Rooms, and Airing Yards, and whether the same can be extended or increased?																			
23.—Dietary or other Weekly Allowance; and Weekly Cost per Head?																			
24.—Allowance of Clothing and Bedding, and Cost per Head?																			
25.—Description of Employment, and hard Labour?																			
26.—Hours of Labour?																			
27.—To what Extent do Prisoners associate, by Day and by Night?																			
28.—What Duties are performed by the Chaplain, what Provision made for Instruction, and whether Prisoners are supplied with Bibles and other Books of a moral and religious Character?																			
29.—Are Female Prisoners exclusively attended by Female Officers?																			
30.—Attendance of the Surgeon, and whether separate Buildings or Apartments are provided for the Sick?																			
31.—Reasons for Non-employment of Prisoners, with reference to Column 15?																			
32.—What is the Nature of the Punishments inflicted, and for what Offences are Prisoners so punished?																			
33.— { Is there any Insane Prisoner in Confinement? State his or her Name, Age, and for what Offence committed? How long has he or she been in Confinement? How long has he or she been insane?																			
34.—General Observations.																			

C A P. LVII.

1&2 Vict. c. 102.

An Act to continue, until Six Months after the Commencement of the next Session of Parliament, an Act of the last Session of Parliament, for authorizing Her Majesty to carry into immediate Execution by Orders in Council any Treaties for the Suppression of the Slave Trade.

[17th August 1839.]

C A P. LVIII.

An Act to make further Provision for the Administration of Justice, and for improving the Practice and Proceedings, in the Courts of the Stannaries of *Cornwall*; and for the Prevention of Frauds by Workmen employed in Mines within the County of *Cornwall*. [17th August 1839.]

‘ WHEREAS by an Act passed in the last Session of Parliament, for the Abolition of the Duties payable on the Coinage of Tin in the Counties of *Cornwall* and *Devon*, and for giving Compensation in lieu of such Duties, and to reduce the Duties of Customs payable on Tin, the Tinnors of *Cornwall* were released from all Payment of the Duty of Coinage on Tin and Tin Ore raised within the County, and thereupon it is reasonable and just that the said Tin Ore be subject to the like Assessment as all other Metals and metallic Minerals raised in the said County are subject by virtue of an Act made and passed at a Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, to make Provision for the more expeditious Administration of Justice [in the Stannaries of *Cornwall*, and for improving the Practice and Proceedings in the Courts of the said Stannaries: And whereas also it is expedient that such last-mentioned Act be amended in certain Cases:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine there be paid and payable the Sum of One Farthing in the Pound Sterling on the Value of all Tin and Tin Ore which shall from Time to Time be brought to Sale in or withdrawn from any Mine or Stream Work within the said County of *Cornwall*; and that the Head Manager of every Tin Mine and Stream Work shall, in respect of such Tin and Tin Ore, and the Assessment and Payment of One Farthing in the Pound Sterling thereon, be liable to all such Obligations, Penalties, and Payments, and allowed all such Discharges, as are imposed on and allowed to the Head Manager of any other Mine in the said County, in respect of the like Assessment and Payment on other Metals and metallic Minerals imposed by virtue of the said Act passed at the Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth; and that the Monies arising by means of such Assessment on Tin and Tin Ore shall form Part of the general Fund provided by the said last-mentioned Act, and arising from

Assessment upon all Tin and Tin Ore taken from Mines in *Cornwall*.

from the Assessment on Metals and metallic Minerals, and be recovered and applied according to the Provisions of the said Act; and that from and after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-nine there be paid to the Collector of such Assessment, in addition to his present Salary, the Sum of Ten Pounds in every Year charged in equal Moieties on the said Fund and on the Revenues of the Duchy of *Cornwall*, and payable as his present Salary is paid.

Additional
Salary to Col-
lector.

II. 'And whereas the Attendance of Jurors at the Court of the Vice Warden of the said Stannaries is long and laborious;' be it therefore enacted, That all Persons who shall duly attend the said Court as Jurors shall be exempted from Attendance as Jurors at the Sessions for the said County of *Cornwall* for One Year from the Time of their Attendance as Jurors at the said Court, and the Vice Warden of the said Stannaries shall at the Close of each of his Sittings cause to be made and sent to the Clerk of the Peace of the said County a List of those Jurors who shall have duly attended at his said Court: Provided always, that all Fines imposed on any Jurymen for Non-attendance, or on any other Person, by the said Vice Warden, be, when received, paid by the Registrar of the said Court to the Sheriff of the said County, and be by the said Sheriff received and accounted for in like Manner as all other Fines for Non-attendance of Jurors are by him now by Law accounted for.

Exemption of
Jurors attend-
ing at the Stan-
nary Courts.

All Fines to be
paid over to the
Sheriff.

III. And be it enacted, That no Appeal, by reason of the Vice Warden granting or refusing a new Trial, be allowed on behalf of the Defendant, where the Damages found by the Jury shall not exceed Twenty Pounds; and that no Appeal against any Judgment, Order, or Sentence given in the Court of Common Law of the said Vice Warden shall at any Time operate therein as a Stay of Proceedings, unless the Party appealing shall, in the Opinion of the said Vice Warden or of the Registrar of the said Court (if the Matter be referred to him), give previously to his said Appeal good Security for the Satisfaction and due Performance of the Judgment, Order, or Sentence so appealed against, if the same be affirmed, and for Payment of such Costs incurred by or relating to his said Appeal as he may be ordered to pay.

No Appeal
where Damages
do not exceed
20*l.*; or from
Common Law
Court of the
Stannaries,

IV. And be it enacted, That no Appeal against any Decree, Order, or Act of the said Vice Warden, made or done in the Court of Equity of the said Vice Warden, shall at any Time operate as a Stay of Proceedings in such Court, or be allowed, unless the Party appealing shall, previously to his said Appeal, give good Security, in the Opinion of the said Vice Warden or Registrar as aforesaid, for Payment of such Costs incurred by or relating to his said Appeal as he may be ordered to pay.

or from a De-
cree of Equity
Court of the
Stannaries, un-
less, &c.

V. And be it enacted, That so much of the said Act passed at the Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty as regulates the Time within which any Motion must be made for a new Trial shall be and the same is hereby repealed; and that the said Vice Warden may make such Rules and Orders in his said Court relating to the Time for moving for new Trials and Rehearings of Causes, and to all Matters relating to the Taxation of Costs, and to Practice, as to him may from Time to Time seem fit, any thing in such Act to the contrary notwithstanding.

Vice Warden
of Stannaries
may make
Rules relating
to Times of
new Trials, &c.

The Registrar of the Court of the Stannaries may administer Oaths and take Affidavits; and others, by Commission, may take Affidavits.

VI. And be it enacted, That the Registrar of the said Court of the said Vice Warden may, in all Causes pending therein, administer Oaths, take Affidavits and Affirmations, and receive Depositions relating thereto; and that any Commissioner of the Superior Courts of Common Law at *Westminster*, having by Commission from such Courts or any of them Authority to take Affidavits in Matters relating to such Courts or any of them, may, without Fee or Reward, apply for and have, by Commission of the said Vice Warden, under his Seal of the Stannaries, Authority to take Affidavits and Affirmations in all Suits and Matters in the Court of Common Law of the said Vice Warden; and that the said Vice Warden may, without Fee or Reward, by Commission under his said Seal, give Authority to any Solicitor of the Superior Court of Equity, or to any Attorney of any of the said Superior Courts of Common Law resident or practising in or near *Westminster*, to take Affidavits and Affirmations in all Suits and Matters in the Court of the said Vice Warden.

For adjourning and holding the Court in case of Illness of the Vice Warden or other good Cause.

VII. And be it enacted, That if, in consequence of Accident or Illness, the said Vice Warden shall be prevented from attending at *Truro* on the Day appointed for him to hold his Sittings there, or any Adjournment thereof, the Registrar of the said Court of the said Vice Warden shall have Power from Time to Time to open and adjourn such Court, and thereupon all Persons summoned or bound or having Occasion to attend thereat shall attend according to such Adjournment as if the Vice Warden had been present and adjourned the Court; and the Vice Warden, when he shall be present at such Court so adjourned, shall proceed thereat as if the Day of Adjournment had been the Day originally appointed for the holding thereof; and the said Vice Warden shall, without Delay, send a Statement in Writing for the Lord Warden, to be delivered to the Secretary of the Lord Warden, of the Cause whereby he was prevented from attending as aforesaid; and the said Lord Warden shall, without Delay, produce such Statement to the Council or Commissioners or principal Officers of the said Duchy, who have Authority to require the Removal of the Vice Warden from his Office: Provided also, that in case of sufficient Cause being at any Time shown to such Council or Commissioners or principal Officers, a Majority of Five of them the said Council or Commissioners or principal Officers as aforesaid, of whom the said Lord Warden, if he be present, shall be One, may appoint a fit Person, being a Barrister of Ten Years standing at the least, to execute the Duties of the Vice Warden for a Time not exceeding Four Calendar Months together.

Vice Warden to state the Cause thereof.

A Person may be appointed to execute the Duties for a Time.

Vice Warden or Registrar of the Court of the Stannaries may in certain Cases commit or discharge any Person in Contempt.

VIII. And be it enacted, That if any Person be in Custody for Contempt, or be alleged to be in Contempt of any Order or Decree of the said Vice Warden, or be in Custody for any Cause relating to his said Court, when the same Court is not sitting, such Person shall, by Order of the Court, be brought before the Vice Warden or Registrar, who shall hear the Defence or Allegations of such Person, and thereupon the said Vice Warden may commit, or the said Vice Warden or Registrar may, in their Discretion, respectively discharge such Person altogether, or may otherwise discharge such Person until the next Sittings or for some shorter Period, on such Person so discharged giving good Security for his

his Appearance at the next Sittings or the Expiration of such shorter Period, and on such other Terms as the Nature of the Case may require: Provided always, that if such Security be forfeited the Vice Warden may thereupon order what shall appear to be just, and give Relief accordingly.

IX. And be it enacted, That the said Registrar may make Orders respecting Errors and Amendments in Petitions or other Pleadings at Law as well as in Equity before any Defendant shall have pleaded or answered; and in like Manner may at any Time make Orders respecting formal Amendments or Misnomers, or the adding or striking out Names of Parties, and may, by Consent of all Parties, Plaintiffs and Defendants, make Orders respecting any other Amendments after a Defendant shall have pleaded, and may from Time to Time require from any Officer of the said Court who shall collect or receive Money, either by Assessment on Ores or by Fees of Court, or in Course of a Suit or otherwise, an Account and Payment of such Money to be made to him at such Time as he shall think fit.

The Registrar may make Orders relating to formal Errors and Amendments.

X. And for the Prosecution and Punishment of Frauds in Mines by idle and dishonest Workmen removing or concealing Ore for the Purpose of obtaining more Wages than are of Right due to them, and thereby defrauding the Adventurers in or Proprietors of such Mines, or the honest and industrious Workmen therein, be it enacted, That if any Person or Persons employed in or about any Mine within the County of Cornwall shall take, remove, or conceal the Ore of any Metal, or any Lapis Calaminaris, Manganese, Mundick, or other Mineral found or being in such Mine, with Intent to defraud the Proprietor or Proprietors of or Adventurer or Adventurers in such Mine, or any One or more of them respectively, or any Workman or Miner employed therein, then and in every such Case respectively such Person or Persons so offending shall be deemed and taken to be guilty of Felony, and being convicted thereof shall be liable to be punished in the same Manner as in the Case of Simple Larceny.

Workmen in Mines removing or concealing Ore to defraud the Adventurers or other Miners to be guilty of Simple Larceny.

C A P. LIX.

An Act for taking away the Exemption, except in certain Cases, of Officers of the Militia to serve as Sheriff.

[17th August 1839.]

‘ WHEREAS Militia Officers are by Law exempt from serving the Office of Sheriff, and it is expedient that such Exemption should cease, except during the Period of actual Service of the Militia;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act no Person shall be legally exempt from serving the Office of Sheriff by reason of being an Officer of the Militia, save only such Officers of the Militia as were employed in actual Service in the Militia before the End of the War in the Year One thousand eight hundred and fifteen.

42 G. 3. c. 50.

Officers of Militia not exempt from the Office of Sheriff, except, &c.

II. And be it enacted, That if any Sheriff shall be an Officer of the Militia at any Time when the Militia of which he is such Officer

The Under Sheriff answerable for

when Militia
is drawn out.

Officer shall be drawn out and embodied for actual Service, he shall be discharged from personally performing the Office of Sheriff while the Militia shall remain embodied, and the Under Sheriff shall be answerable for the Execution of the said Office, in the Name of the High Sheriff, during the same Time; and the Security given by the Under Sheriff, and his Pledges to the High Sheriff, shall stand a Security to the Queen, Her Heirs and Successors, and to all Persons whatsoever, for the due performing his Office during such Time.

Act may be
amended, &c.

III. And be it enacted, That this Act may be repealed or amended by any Act to be passed in this Session of Parliament.

C A P. LX.

An Act to explain and extend the Provisions of an Act passed in the First Year of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.*
[17th August 1839.]

11 G. 4. &
1 W. 4. c. 47.

‘ WHEREAS by an Act passed in the First Year of the Reign
‘ of His late Majesty King *William* the Fourth, intituled
‘ *An Act for consolidating and amending the Laws for facilitating*
‘ *the Payment of Debts out of Real Estate*, it was (amongst other
‘ things) enacted, that where any Suit had been or should be in-
‘ stituted in any Court of Equity for the Payment of any Debts
‘ of any Person or Persons deceased to which their Heir or Heirs,
‘ Devisee or Devisees might be subject or liable, and such Court
‘ of Equity should decree the Estates liable to such Debts or any
‘ of them to be sold for Satisfaction of such Debt or Debts, and
‘ by reason of the Infancy of any such Heir or Heirs, Devisee or
‘ Devisees, an immediate Conveyance thereof could not, as the
‘ Law then stood, be compelled, in every such Case such Court
‘ should direct, and if necessary compel, such Infant or Infants to
‘ convey such Estates so to be sold (by all proper Assurances in
‘ the Law) to the Purchaser or Purchasers thereof, and in such
‘ Manner as the said Court should think proper and direct, and
‘ every such Infant should make such Conveyance accordingly, and
‘ every such Conveyance should be as valid and effectual to all
‘ Intents and Purposes as if such Person or Persons being an
‘ Infant or Infants was or were at the Time of executing the same
‘ of the full Age of Twenty-one Years; and it was also thereby
‘ further enacted, that where any Lands, Tenements, or Heredita-
‘ ments had been or should be devised in Settlement by any Per-
‘ son or Persons whose Estate under the said Act now in recital or
‘ by Law, or by his or their Will or Wills, should be liable to the
‘ Payment of any of his or their Debts, and by such Devise should
‘ be vested in any Person or Persons for Life or other limited In-
‘ terest, with any Remainder, Limitation, or Gift over which might
‘ not be vested, or might be vested in some Person or Persons
‘ from whom a Conveyance or other Assurance of the same could
‘ not be obtained, or by way of executory Devise, and a Decree
‘ should be made for the Sale thereof for the Payment of such
‘ Debts or any of them, it should be lawful for the Court by whom
‘ such Decree should be made to direct any such Tenant for Life

‘ or other Person having a limited Interest, or the first executory
 ‘ Devisee thereof, to convey, release, assign, surrender, or other-
 ‘ wise assure the Fee Simple or other the whole Interest or Inte-
 ‘ rests so to be sold to the Purchaser or Purchasers, or in such
 ‘ Manner as the said Court should think proper; and every such
 ‘ Conveyance, Release, Surrender, Assignment, or other Assurance
 ‘ should be as effectual as if the Person who should make and
 ‘ execute the same were seised or possessed of the Fee Simple or
 ‘ other whole Estate so to be sold: And whereas Doubts are
 ‘ entertained whether the herein-before recited Provisions of the
 ‘ said Act extend to authorize Courts of Equity to direct Mort-
 ‘ gages as well as Sales to be made of the Estates of such infant
 ‘ Heirs or Devisees, or of Lands, Tenements, or Hereditaments so
 ‘ devised in Settlement as aforesaid, and also to authorize such
 ‘ Sales and Mortgages to be made in Cases where such Tenant
 ‘ for Life or other Person having a limited Interest, or such first
 ‘ executory Devisee as aforesaid, is an Infant; and it is expedient
 ‘ that the said Provisions of the said Act should be so extended,
 ‘ and that further Provision should be made in relation thereto in
 ‘ manner herein-after mentioned:’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and Con-
 sent of the Lords Spiritual and Temporal, and Commons, in this
 present Parliament assembled, and by the Authority of the same,
 That the said herein-before recited Provisions of the said Act shall
 extend and the same are hereby extended to authorize Courts of
 Equity to direct Mortgages as well as Sales to be made of the
 Estates of such infant Heirs or Devisees, and also of Lands, Tene-
 ments, or Hereditaments so devised in Settlement as aforesaid, and
 to authorize such Sales and Mortgages to be made in Cases where
 such Tenant for Life or other Person having a limited Interest,
 or such first executory Devisee as aforesaid, is an Infant.

Recited Pro-
 visions of
 11 G. 4. &
 1 W. 4. c. 47.
 extended to
 authorize Mort-
 gages as well as
 Sales of Estates.

II. And be it further enacted, That when any Sale or Mort-
 gage shall be made in pursuance of the said recited Act or this
 Act, the Surplus (if any) of the Money raised by such Sale or
 Mortgage, which shall remain after answering the Purposes for
 which the same shall have been raised, and defraying all reason-
 able Costs and Expences, shall be considered in all respects of
 the same Nature, and descend or devolve in the same Manner, as
 the Estate, or the Lands, Tenements, or Hereditaments so sold or
 mortgaged, and shall belong to the same Persons, be subject to
 the same Limitations and Provisions, and be applicable to the same
 Purposes as such Estate or such Lands, Tenements, or Heredita-
 ments would have belonged and been subject and applicable to in
 case no such Sale or Mortgage had been made.

Surplus of
 Money arising
 from such Sale
 or Mortgage to
 descend in the
 same Manner as
 the Estates so
 sold or mort-
 gaged would
 have done.

C A P. LXI.

An Act for the Improvement of the Navigation of the River
Shannon. [17th August 1839.]

‘ WHEREAS an Act was passed in the Fifth and Sixth Years
 ‘ of the Reign of His late Majesty King *William* the Fourth,
 ‘ intituled *An Act for the Improvement of the Navigation of the*
 ‘ *River Shannon*, whereby, after reciting that the Improvement of
 ‘ the Navigation of the said River from its Source in *Lough Allen* in
 the

5 & 6 W. 4. c. 67.

‘ taken for the Purpose of this Act, or shall be injured thereby, ‘ have a legal Title thereto, and it is expedient that Provision ‘ should be made for the cheap and easy Determination of such ‘ Questions;’ be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, if they shall deem it necessary and expedient so to do, for the Purpose of ascertaining whether any Mill, Milldam, Weir, Watercourse, or other Matter or Thing, or any Part thereof respectively, which shall be required to be taken for any of the Purposes of this Act, or shall be injured thereby, is a public Nuisance, or is in any other respect illegal, to make Application by Petition to the Courts of Chancery or Exchequer, stating the Facts, and praying the Decision of such Court thereon; and Notice of such Application shall be given to the Parties interested in the Matter of such Petition, and they shall be heard; and it shall be lawful for the Court to make an Order disposing of the Matter of such Petition, or referring the same to any Master or to the Chief or Second Remembrancer, with Liberty to the Parties to attend him, and with such other Directions as the Court shall think fit, or to direct such feigned Issue or other Proceeding as the Court may in its Discretion think proper with respect to any Matter contained in the said Petition; and the Decision of the Court upon the Matter of such Petition shall be final and conclusive of the Rights of the Parties and of their Title to Compensation under this Act; and in case such Court shall decide against the Right of the Party claiming such Compensation under any Award, then such Award, so far as it relates to such Compensation, shall be null and void to all Intents and Purposes.

Commissioners
may abate
Nuisances.

XXII. And be it enacted, That in case any such Mill, Milldam, Weir, Watercourse, or any Part thereof, or other Matter or Thing, shall be so decided as aforesaid to be a Nuisance, or in any other respect illegal, it shall be lawful for the said Commissioners, their Agents and Servants, without paying therefor any Sum of Money whatsoever, to enter upon, abate, pull down, destroy, or diminish the same, or use the same, in such Manner as to the said Commissioners shall seem most expedient for the due Execution of this Act; and they and each of them are hereby saved harmless and indemnified for any Matter or Thing which shall be done by them, or any of them, to or with respect to any such Mill, Milldam, Weir, Watercourse, or any other Matter or Thing as aforesaid.

Awards and
Judgments to
be enrolled.

XXIII. ‘ And whereas it is expedient that all Awards heretofore made by the said Commissioners appointed under the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and all such Awards and Judgments as shall be made under the Provisions of this Act, should be made obligatory and conclusive;’ be it therefore enacted, That all Awards heretofore made as aforesaid, and all Awards and Judgments which shall be at any Time made or given by the said Commissioners to be appointed under this Act, shall, within Three Months after the passing of this Act, or after the same shall be respectively made or given, be enrolled in the Rolls Office of Her Majesty’s High Court of Chancery in *Ireland*, and Copies thereof respectively shall be good and sufficient Evidence thereof respectively in any Court of Law or Equity whatsoever;

ever; and the said Awards and Judgments respectively shall, immediately after the Enrolment thereof, save as by this Act otherwise provided, be binding and conclusive, to all Intents and Purposes whatsoever, upon the said Commissioners, and upon the Queen's most Excellent Majesty, Her Heirs and Successors, and all Bodies Politic or Corporate, Infants, Lunatics, Idiots, Females Covert, Tenants for Life or in Tail, and all Persons under any legal Disability whatsoever, and all and every Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest in, to, or out of the said Lands, Tenements, or Hereditaments, or other Matters or Things, included in or affected by the said Awards or Judgments, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever, or in any Charge, Lien, or Incumbrance thereon respectively; and no Objection for Want of Form shall be allowed to any such Award or Judgment, nor shall the same be removeable by Certiorari or other Process into any of the Superior Courts or any other Court, any Law or Statute to the contrary thereof notwithstanding.

XXIV. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Twelve Months from the passing of this Act in Cases of Awards heretofore made, or within Twelve Months after any future Award, Judgment, or Contract shall be made, given, or entered into, not to take or injure the Whole or any Part of any Lands, Tenements, or Hereditaments, or other Matters or Things, named or described in any of the said Awards, or in any such Judgment or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place or Places of Abode of the Person or Persons who are or appear by the said Awards, Judgments, or Contracts to be interested in such Lands, Tenements, or Hereditaments, or other Matters or Things, stating that the same, or some and what Part thereof, will not be taken for or injured by any thing to be done under this Act; and immediately from and after the Service of such Notice, or if it shall appear to the said Commissioners that the same cannot be conveniently served as aforesaid, immediately from and after the Publication of such Notice in the *Dublin Gazette*, and in some Newspaper which shall be printed or circulated in the County in which such Lands, Tenements, or Hereditaments, or other Matters or Things, shall be situated, the Award, Judgment, or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required to be taken or injured as aforesaid (at the Option of the said Commissioners), shall be utterly void and of no Effect, to all Intents and Purposes whatsoever; and in case a Part only of any Award, Judgment, or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in any such Judgment, Award, or Contract which should be deducted on account of the Part not required to be taken or injured, and, if necessary, apportion the Residue among the Persons entitled thereto; and the said Commissioners shall amend such Judgment, Award, or Contract accordingly, and enrol such amended Judgment or Award, and such amended Judgment, Award, or Contract

If Commissioners shall serve a Notice within Twelve Months that they will not require the Lands contained in any Award, the said Award, or a Part thereof, shall be void.

tract shall have all the Force and Effect of any Judgment, Award, or Contract under this Act.

Application
of Purchase
Money of in-
capacitated
Persons ex-
ceeding 200l.

XXV. And be it enacted, That any Money agreed, awarded, or adjudged to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or as Compensation for any Injury thereto, or any Portion of such Money, (if the said Money or said Portion thereof shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity,) shall (in case the same exceed Two hundred Pounds) be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money, or such Portion thereof, shall be applied, under the Direction and with the Approbation of the Senior Master of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same, or affecting the Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses or Purposes; or where such Money or such Portion thereof shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the Senior Master of Chancery, in the Purchase of Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such other like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be purchased or injured as aforesaid stood settled or limited, or such of them as shall be then existing and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall, on the Request of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, (such Request to be in Writing signed by him, her, or them,) and without any Order of the said Master, be invested by the said Accountant General in his Name in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland*; and in the meantime, and until the said Stocks, Funds, or Annuities shall be ordered by the said Master of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased if such Purchase had been made.

Application
of Purchase
Money not
exceeding 200l.
and not less
than 20l.

XXVI. And be it enacted, That if any Money so agreed, awarded, or adjudged to be paid for the Purchase of or as Compensation for the Injury to any Lands, Tenements, or Hereditaments required to be taken or used for the Purposes of this Act, or any Portion of such Money, shall belong to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, and shall not exceed the Sum of Two hundred Pounds or be less than Twenty Pounds, then and in all such Cases the
said

said Money, or such Portion thereof, shall, at the Option of the Person or Persons entitled for the Time being to the Rents and Profits of the said Lands, Tenements, or Hereditaments, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified under their respective Hands, be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his, her, or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the said Money, or such Portion thereof, shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money, or such Portion thereof, may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain an Order of a Master of Chancery.

XXVII. And be it enacted, That when such Money so agreed or awarded or adjudged to be paid as next before mentioned, or such Portion thereof, shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have become entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXVIII. And be it enacted, That in case any Person or Persons claiming to be entitled to or interested in any Lands, Tenements, or Hereditaments, or other Matters or Things, for which any Sum of Money has been or shall be awarded or contracted for, or in or to any Charge, Lien, or Incumbrance thereon, shall refuse to appear before the said Commissioners, or shall not be able to make out a good Title thereto, or to prove such Claim as he shall make, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances as herein-after mentioned, or be under any Incapacity, or in case the Person or Persons so entitled or interested be absent from *Ireland*, or cannot be discovered, or in any other Case in which it shall seem expedient to the said Commissioners so to do, it shall and may be lawful for the said Commissioners in every such Case to order the said Sum or Sums so awarded or contracted for, or any Part thereof, to be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that the same might be subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making such Claims to such Sum or Sums of Money, or any Part thereof, or on the Application of the said Commissioners, if they shall be entitled to receive the same or any Part thereof, by Motion on Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out or invested as to the said Court shall seem meet, or to order Payment or Distribution thereof, or

Application
of Purchase
Money when
less than 20l.

In case of not
making out a
good Title, &c.
Money to be
paid into Court.

Monies so advanced out of Aids or Consolidated Fund to be replaced by other Monies.

Proportions of Sums advanced to be repaid by Counties.

Declaration to be signed by Commissioners.

Commissioners to hold Meetings, and employ Officers and

and applied from Time to Time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such remaining Exchequer Bills, Interest, and Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable, on Demand, to the respective Proprietors thereof: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted in Parliament, any thing therein contained to the contrary notwithstanding; and whatever Monies shall thereafter arise in the said Receipt of the Exchequer, from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained, shall be applied towards replacing the Monies before issued out of the said Aids or Supplies or Consolidated Fund, as the Case may be, any thing herein contained to the contrary notwithstanding.

XIII. And be it enacted, That such Sums as shall from Time to Time be advanced by way of Loan as aforesaid by the said Commissioners of the Treasury to the said Commissioners for the Execution of this Act, by the Issue of Exchequer Bills, or by the Issue of Money out of the said Consolidated Fund, shall be repaid by Grand Jury Presentment (save and except in those Cases where, by any Award made or to be made under the Provisions of the said recited Act or this Act, it shall have been determined that any Proportion of the Sums so advanced for the Execution of any particular Work shall be so repayable by the Owner of any individual Estate, or in any other Manner); and all Monies so to be repaid by Grand Jury Presentment shall be repaid by Twelve half-yearly Instalments, to be presented and levied off the Counties or Portions of Counties declared respectively by such Awards to be liable to the Repayment thereof, with Interest on the Monies so from Time to Time advanced at the Rate of Four Pounds *per Centum per Annum*; and the Sums so from Time to Time proper to be presented by the Grand Jury of each County to be levied off the same, or any Portion thereof, shall be fixed and certified by the said Commissioners for the Execution of this Act in the Manner herein-after mentioned: Provided always, that it shall be lawful for the said Commissioners of the Treasury, if they shall in any Case so think fit, to enlarge the Time herein-before limited for the Repayment of the said Monies, so nevertheless that the whole shall be repaid within Ten Years from the Date of the Advances.

XIV. And be it enacted, That the Commissioners for the Execution of this Act shall each of them, previous to his acting as such Commissioner, sign a Declaration to the following Effect:

‘ I *A.B.* do declare, That I will faithfully and impartially, according to the best of my Judgment, execute the several Powers and Trusts vested in me by an Act, intituled *An Act for promoting the Improvement of the Navigation of the River Shannon.*’

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

XV. And be it enacted, That the said Commissioners may meet and sit from Time to Time in such Place or Places as they shall find most convenient, with or without Adjournment; and that all

Acts,

Acts, Matters, and Things which the said Commissioners are by this Act authorized to do or execute may be done or executed by any Two or more of them; and that they shall and may, with the Approbation of the Commissioners of the Treasury, appoint and employ such Secretary, Engineers, Officers, and other Persons as they shall think necessary, and that all and every the Persons so employed may from Time to Time be dismissed at the Pleasure of the said Commissioners, and any other Person or Persons be appointed in his or their Stead; and it shall and may be lawful for the said Commissioners to allow to such Persons so employed by them as aforesaid such reasonable Salary and Salaries, Pay, or Reward as to such Commissioners may seem meet, with the Consent and Approbation of the said Commissioners of the Treasury.

others, with
Approval of
the Treasury.

XVI. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered, from Time to Time, to enter into and to make any Contract or Contracts with any Person or Persons, for the Execution of any of the Works to be executed under this Act, or for any other Purpose which to the said Commissioners shall seem expedient for the Purpose of carrying this Act into complete Execution; and every Contractor with the said Commissioners for the Execution of any of the said Works, or for such other Purpose, shall give such Security in such Sum as shall be determined by the said Commissioners for the due Execution of such Work or Works or other Contract.

Commissioners
may make
Contracts for
Works.

XVII. And be it enacted, That it shall and may be lawful for the said Commissioners to make or cause to be made the several Works described in the Maps and Plans aforesaid, although any of the Lands, Tenements, or Hereditaments required for such Works may have been omitted, misnamed, or misdescribed in the said Plans, Maps, or Awards, if it shall appear to Two or more Justices of the Peace for the County, City, or Place wherein the Matter in question shall arise (in case of Dispute about the same) and be certified in Writing under their Hands, that such Omission, Misnomer, or erroneous Description proceeded from Mistake, and that Compensation had been duly awarded for such Lands, Tenements, or Hereditaments; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County, City, or Place; and the Lands, Tenements, or Hereditaments which shall be named or described in such Certificate shall be deemed and taken for all the Purposes of this Act to have been inserted and truly named and described in the said Maps, Plans, or Awards; and it shall be lawful for said Commissioners, whenever it shall seem expedient to them so to do, to amend such Maps, Plans, or Awards by inserting therein such Lands, Tenements, or Hereditaments.

Works may be
made though
the Lands be
omitted, mis-
named, or
misdescribed
in the Maps
or Plans.

XVIII. And be it enacted, That the said Commissioners shall cause detailed Accounts in Writing of their Proceedings under this Act, of the several Sums received by them as such Commissioners, and of the Sums expended by them, and the Mode of such Expenditure, and of the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year, and such Accounts shall be laid before both Houses of Par-

Accounts to
be laid before
Parliament.

liament within Thirty Days thereafter, if Parliament be then sitting, or within Thirty Days after the first Meeting of Parliament subsequent to the Thirty-first Day of *December*; and the said Commissioners shall, as often as they shall be required so to do by such Commissioners of the Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct.

Corporations
and incapa-
citated Persons
may contract
with Commis-
sioners.

XIX. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate or Collegiate whatsoever, whether Sole or Aggregate, all Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, or Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs, Successors, Executors, and Administrators, but also for and on behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for the Queen's most Excellent Majesty, Her Heirs and Successors, and for all and every other Person or Persons whomsoever who is or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or other Matters or Things, or shall have or enjoy any Powers, Rights, Privileges, or Franchises, which the said Commissioners shall require for the Purposes of this Act, or which shall be injured thereby, to contract for the Sale or Demise of and to sell or demise the same and every or any Part thereof unto the said Commissioners for the Execution of this Act, and to execute a Conveyance or Conveyances thereof if the same shall be required by the said Commissioners, or to agree with the said Commissioners for the Amount of Compensation which should be paid for any Injury thereto, and also to execute any Conveyance and enter into any Contract which the said Commissioners shall deem necessary for the due Execution of this Act; and all Contracts, Agreements, and Conveyances which shall be so made by such Persons as aforesaid shall be good and valid in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Companies, Corporations, and Persons whomsoever, so contracting, selling, demising, or conveying as aforesaid, are hereby indemnified for or in respect of any such Contract, Sale, Demise, or Conveyance which he, she, or any of them shall respectively make by virtue or in pursuance of this Act; and the said Commissioners are hereby authorized and empowered, with the Consent and Approbation of the said Commissioners of the Treasury, to contract with the Queen's most Excellent Majesty, Her Heirs and Successors, and all or any of such Companies, Corporations, or Persons as aforesaid, for the Purchase of the Premises aforesaid, or for the Amount of Compensation which should be paid for any Injury thereto or to any Part thereof, all which Contracts shall be in Writing, and shall, if it seem expedient to the Commissioners so to direct, be duly enrolled in the Rolls Office of Her Majesty's High Court of Chancery in *Ireland*.

XX. And

XX. ' And whereas the Awards made by the said Commissioners under the said recited Act fix and determine what Sums respectively should be paid for the Purchase of or as Compensation for the Injury to certain Lands, Tenements, and Hereditaments, and other Matters and Things, in the said Awards respectively named or described as of an Estate in Fee, without specifying the Person or Persons entitled thereto or interested therein, or the Value of their respective Shares or Interests, or the Amount of Compensation due to them severally, and it is expedient that Provision should be made for the more cheap and easy Determination of such Matters, and for the Adjustment of the Rights of the several Parties interested therein; be it therefore enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to inquire and determine what Companies, Corporations, or Persons have any and what Estate, Right, Title, or Interest in or to any Lands, Tenements, or Hereditaments, or other Matters or Things, respectively named or described in any Award made as aforesaid, or in or to any Charge, Lien, or Incumbrance thereon respectively, and also in what Proportions the Sum or Sums of Money mentioned in such Award shall be paid to such Companies, Corporations, or Persons, for such their respective Estates, Rights, Titles, and Interests, and what Abatements (if any) shall be made in the Rents payable out of the Lands, Tenements, or Hereditaments named or described in such Award, or any Lands, Tenements, or Hereditaments held in conjunction therewith; and the said Commissioners shall and may in each such Case give Judgment, and shall and may in each such Judgment name or describe the Companies, Corporations, or Persons (if known to the said Commissioners) to whom respectively the Sum or Sums mentioned in each such Award shall be paid, and in what Proportions the same shall be paid to such Companies, Corporations, or Persons, and the Lands, Tenements, or Hereditaments, or other Matters or Things, naming or describing the same, in respect of which such Sum or Sums have been awarded, and also what Abatements (if any) shall be made in the Rents payable out of the Lands, Tenements, or Hereditaments named or described in such Award, or any Lands, Tenements, or Hereditaments held in conjunction therewith: Provided always, that a Notice fixing the Time and Place of holding each such Inquiry shall be published in the *Dublin Gazette*, and in some Newspaper which shall be printed or circulated in the County in which such Lands, Tenements, or Hereditaments, wholly or in part, are situated, Ten Days at least previous to the Day fixed for holding such Inquiry.

Commissioners to ascertain the Persons interested in any Sums awarded, and the Proportions in which the same should be paid.

XXI. ' And whereas Doubts are entertained whether certain Mills, Milldams, Weirs, Watercourses, or certain Parts thereof, and other Matters and Things, in and upon or near to the said River *Shannon*, for which or for the Injury to which respectively certain Sums have been awarded by the said Commissioners under the Provisions of the said recited Act, are public Nuisances or in other respects illegal, and Questions may arise whether the Persons, or any of them, who have preferred Claims under the said recited Act, or of any other Mills, Milldams, Weirs, and Watercourses, or any Part thereof, which shall be required to be

Where Doubts are entertained as to the Legality of Mills, &c. Commissioners to apply to the Courts of Chancery or Exchequer to direct Proceedings to ascertain the Legality-

‘ taken for the Purpose of this Act, or shall be injured thereby, ‘ have a legal Title thereto, and it is expedient that Provision ‘ should be made for the cheap and easy Determination of such ‘ Questions;’ be it therefore enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, if they shall deem it necessary and expedient so to do, for the Purpose of ascertaining whether any Mill, Milldam, Weir, Watercourse, or other Matter or Thing, or any Part thereof respectively, which shall be required to be taken for any of the Purposes of this Act, or shall be injured thereby, is a public Nuisance, or is in any other respect illegal, to make Application by Petition to the Courts of Chancery or Exchequer, stating the Facts, and praying the Decision of such Court thereon; and Notice of such Application shall be given to the Parties interested in the Matter of such Petition, and they shall be heard; and it shall be lawful for the Court to make an Order disposing of the Matter of such Petition, or referring the same to any Master or to the Chief or Second Remembrancer, with Liberty to the Parties to attend him, and with such other Directions as the Court shall think fit, or to direct such feigned Issue or other Proceeding as the Court may in its Discretion think proper with respect to any Matter contained in the said Petition; and the Decision of the Court upon the Matter of such Petition shall be final and conclusive of the Rights of the Parties and of their Title to Compensation under this Act; and in case such Court shall decide against the Right of the Party claiming such Compensation under any Award, then such Award, so far as it relates to such Compensation, shall be null and void to all Intents and Purposes.

Commissioners
may abate
Nuisances.

XXII. And be it enacted, That in case any such Mill, Milldam, Weir, Watercourse, or any Part thereof, or other Matter or Thing, shall be so decided as aforesaid to be a Nuisance, or in any other respect illegal, it shall be lawful for the said Commissioners, their Agents and Servants, without paying therefor any Sum of Money whatsoever, to enter upon, abate, pull down, destroy, or diminish the same, or use the same, in such Manner as to the said Commissioners shall seem most expedient for the due Execution of this Act; and they and each of them are hereby saved harmless and indemnified for any Matter or Thing which shall be done by them, or any of them, to or with respect to any such Mill, Milldam, Weir, Watercourse, or any other Matter or Thing as aforesaid.

Awards and
Judgments to
be enrolled.

XXIII. ‘ And whereas it is expedient that all Awards heretofore made by the said Commissioners appointed under the Provisions of the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and all such Awards and Judgments as shall be made under the Provisions of this Act, should be made obligatory and conclusive;’ be it therefore enacted, That all Awards heretofore made as aforesaid, and all Awards and Judgments which shall be at any Time made or given by the said Commissioners to be appointed under this Act, shall, within Three Months after the passing of this Act, or after the same shall be respectively made or given, be enrolled in the Rolls Office of Her Majesty’s High Court of Chancery in *Ireland*, and Copies thereof respectively shall be good and sufficient Evidence thereof respectively in any Court of Law or Equity whatsoever;

ever ; and the said Awards and Judgments respectively shall, immediately after the Enrolment thereof, save as by this Act otherwise provided, be binding and conclusive, to all Intents and Purposes whatsoever, upon the said Commissioners, and upon the Queen's most Excellent Majesty, Her Heirs and Successors, and all Bodies Politic or Corporate, Infants, Lunatics, Idiots, Femes Covert, Tenants for Life or in Tail, and all Persons under any legal Disability whatsoever, and all and every Person or Persons whomsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest in, to, or out of the said Lands, Tenements, or Hereditaments, or other Matters or Things, included in or affected by the said Awards or Judgments, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever, or in any Charge, Lien, or Incumbrance thereon respectively ; and no Objection for Want of Form shall be allowed to any such Award or Judgment, nor shall the same be removeable by Certiorari or other Process into any of the Superior Courts or any other Court, any Law or Statute to the contrary thereof notwithstanding.

XXIV. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Twelve Months from the passing of this Act in Cases of Awards heretofore made, or within Twelve Months after any future Award, Judgment, or Contract shall be made, given, or entered into, not to take or injure the Whole or any Part of any Lands, Tenements, or Hereditaments, or other Matters or Things, named or described in any of the said Awards, or in any such Judgment or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place or Places of Abode of the Person or Persons who are or appear by the said Awards, Judgments, or Contracts to be interested in such Lands, Tenements, or Hereditaments, or other Matters or Things, stating that the same, or some and what Part thereof, will not be taken for or injured by any thing to be done under this Act ; and immediately from and after the Service of such Notice, or if it shall appear to the said Commissioners that the same cannot be conveniently served as aforesaid, immediately from and after the Publication of such Notice in the *Dublin Gazette*, and in some Newspaper which shall be printed or circulated in the County in which such Lands, Tenements, or Hereditaments, or other Matters or Things, shall be situated, the Award, Judgment, or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required to be taken or injured as aforesaid (at the Option of the said Commissioners), shall be utterly void and of no Effect, to all Intents and Purposes whatsoever ; and in case a Part only of any Award, Judgment, or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in any such Judgment, Award, or Contract which should be deducted on account of the Part not required to be taken or injured, and, if necessary, apportion the Residue among the Persons entitled thereto ; and the said Commissioners shall amend such Judgment, Award, or Contract accordingly, and enrol such amended Judgment or Award, and such amended Judgment, Award, or Contract

If Commissioners shall serve a Notice within Twelve Months that they will not require the Lands contained in any Award, the said Award, or a Part thereof, shall be void.

tract shall have all the Force and Effect of any Judgment, Award, or Contract under this Act.

Application
of Purchase
Money of in-
capacitated
Persons ex-
ceeding 200*l*.

XXV. And be it enacted, That any Money agreed, awarded, or adjudged to be paid for the Purchase of any Lands, Tenements, or Hereditaments, or as Compensation for any Injury thereto, or any Portion of such Money, (if the said Money or said Portion thereof shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity,) shall (in case the same exceed Two hundred Pounds) be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that such Money, or such Portion thereof, shall be applied, under the Direction and with the Approbation of the Senior Master of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, Tenements, or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same, or affecting the Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses or Purposes; or where such Money or such Portion thereof shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the Senior Master of Chancery, in the Purchase of Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such other like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, and Hereditaments which shall be purchased or injured as aforesaid stood settled or limited, or such of them as shall be then existing and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall, on the Request of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so hereby directed to be purchased, (such Request to be in Writing signed by him, her, or them,) and without any Order of the said Master, be invested by the said Accountant General in his Name in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland*; and in the meantime, and until the said Stocks, Funds, or Annuities shall be ordered by the said Master of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased if such Purchase had been made.

Application
of Purchase
Money not
exceeding 200*l*.
and not less
than 20*l*.

XXVI. And be it enacted, That if any Money so agreed, awarded, or adjudged to be paid for the Purchase of or as Compensation for the Injury to any Lands, Tenements, or Hereditaments required to be taken or used for the Purposes of this Act, or any Portion of such Money, shall belong to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, and shall not exceed the Sum of Two hundred Pounds or be less than Twenty Pounds, then and in all such Cases the
said

said Money, or such Portion thereof, shall, at the Option of the Person or Persons entitled for the Time being to the Rents and Profits of the said Lands, Tenements, or Hereditaments, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified under their respective Hands, be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his, her, or their Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the said Money, or such Portion thereof, shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money, or such Portion thereof, may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain an Order of a Master of Chancery.

XXVII. And be it enacted, That when such Money so agreed or awarded or adjudged to be paid as next before mentioned, or such Portion thereof, shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have become entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXVIII. And be it enacted, That in case any Person or Persons claiming to be entitled to or interested in any Lands, Tenements, or Hereditaments, or other Matters or Things, for which any Sum of Money has been or shall be awarded or contracted for, or in or to any Charge, Lien, or Incumbrance thereon, shall refuse to appear before the said Commissioners, or shall not be able to make out a good Title thereto, or to prove such Claim as he shall make, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances as herein-after mentioned, or be under any Incapacity, or in case the Person or Persons so entitled or interested be absent from *Ireland*, or cannot be discovered, or in any other Case in which it shall seem expedient to the said Commissioners so to do, it shall and may be lawful for the said Commissioners in every such Case to order the said Sum or Sums so awarded or contracted for, or any Part thereof, to be paid into or lodged in the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* the said Commissioners, to the Intent that the same might be subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making such Claims to such Sum or Sums of Money, or any Part thereof, or on the Application of the said Commissioners, if they shall be entitled to receive the same or any Part thereof, by Motion on Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out or invested as to the said Court shall seem meet, or to order Payment or Distribution thereof, or

Application
of Purchase
Money when
less than 20l.

In case of not
making out a
good Title, &c.
Money to be
paid into Court.

Payment of the Dividends or Interest thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *Ireland* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying from whom and on whose Account the same were respectively received, to the Person or Persons from whom the same were received.

Court of Chan-
cery may order
Costs to be
paid.

XXIX. And be it enacted, That when any Money shall be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, as aforesaid, it shall be lawful for the said Court to order such Sum to be paid by the said Commissioners to the Persons interested in such Money, for their reasonable Costs, Charges, and Expences, as to the said Court shall seem just and proper.

Lien shall
remain on Pre-
mises not con-
veyed in such
Proportion as
Commissioners
shall direct.

XXX. And be it enacted, That when any Rent, or any such Charge, Incumbrance, or Lien as aforesaid, shall also be payable out of or extend over and be a Charge, Incumbrance, or Lien on any Lands, Tenements, or Hereditaments other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such Case neither this Act, nor any Conveyance to be made as aforesaid, shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Rent, Incumbrance, or Lien, so far as relates to such other Lands, Tenements, or Hereditaments, but that as to all such the same shall respectively continue to be good, valid, and subsisting for so much thereof as the said Commissioners shall determine, in the same Manner in all respects as if this Act, or any thing done under the same, had not existed, but not further or otherwise.

Commissioners
may enter upon
Lands on Pay-
ment of Money
or Lodgment
in Court.

XXXI. And be it enacted, That on Payment or Tender of the Purchase Money or Compensation determined by any Contract, or any of the said Awards or Judgments, for any Lands, Tenements, or Hereditaments, or other Matter or Thing, to or to the Use of the Queen's most Excellent Majesty, or the Person or Persons entitled to receive the same, or on lodging the same in the Bank of *Ireland* as herein-before directed, it shall and may be lawful for the said Commissioners, their Engineers, Agents, and all Persons employed or authorized by them, immediately to enter upon and into such Lands, Tenements, or Hereditaments, or other Matters or Things, for which such Purchase Money or Compensation was paid, tendered, or lodged; and the Fee Simple and Inheritance of those Lands, Tenements, or Hereditaments, and other Matters and Things, for the Purchase whereof any Sum or Sums of Money was or were paid, tendered, or lodged, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of the Queen's most Excellent Majesty, Her Heirs and Successors, or of any Company, Corporation, or Person, therein, shall, immediately from and after such Payment, Tender, or Lodgment as aforesaid, and without further Conveyance or Assurance whatsoever, be vested in the Commissioners for the Purposes of this Act, and be held by them freed and discharged from all Liens, Charges, and Incumbrances whatsoever; and such Payment, Tender, or Lodg-

ment as aforesaid shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom or for whose Use such Payment, Tender, or Lodgment shall or ought to have been made, but shall extend to and be deemed, taken, and construed to bar the Dower of the Wife of every such Person, and all the Estates Tail and other Estates in Reversion and Remainder for his, her, or their Issue, and of any and every other Person or Persons whomsoever, also the Queen's most Excellent Majesty, Her Heirs and Successors, therein; and with respect to the Lands, Tenements, and Hereditaments for the Injury to which any Sum or Sums of Money was or were awarded or contracted for as the Amount of Compensation, it shall and may be lawful for the said Commissioners, their Engineers, Agents, Servants, or other Persons employed or authorized by them, immediately after such Payment, Tender, or Lodgment, to do all the Matters or Things in, to, or upon such Lands, Tenements, or Hereditaments for the doing of which such Sums were so awarded as Compensation: Provided always, that if it shall seem expedient to the Commissioners for the Execution of this Act to allow any Charge, Lien, or Incumbrance to remain a Charge, Lien, or Incumbrance on any Lands, Tenements, or Hereditaments which shall be vested in the said Commissioners under this Act, it shall be lawful for the said Commissioners to signify their Intention so to do, by a Warrant under their Hands and Seals, to be issued to the Person or Persons in whom the same shall be then vested, and such Charge, Lien, or Incumbrance shall thenceforward have all the same Force and Effect as if this Act had not been passed.

XXXII. Provided always, and be it enacted, That if the said Commissioners shall require that a Conveyance of any Lands, Tenements, or Hereditaments, or other Matters or Things, required by the said Commissioners for the Purposes of this Act, shall be executed to them, it shall and may be lawful for the Person or Persons to whom the Purchase Money thereof was paid or tendered, and such Person or Persons is and are hereby required, immediately after such Payment or Tender, to execute to the said Commissioners a Conveyance thereof in the following Form, or as near thereto as the Nature of the Case will admit; (namely,)

‘ I of in consideration of the Sum of
 ‘ 1 Pounds paid to the several Persons interested in
 ‘ the Premises hereby conveyed [or paid into the Bank of Ireland,
 ‘ as the Case might be,] by the Commissioners appointed under an
 ‘ Act passed in the Year of the Reign of Her Majesty
 ‘ Queen Victoria, intituled [here set forth the Title of this Act], do
 ‘ hereby grant and release to the said Commissioners all [de-
 ‘ scribing the Premises], together with all Ways, Rights, and
 ‘ Appurtenances thereunto belonging, and all Estates, Rights, and
 ‘ Interests in the same and every Part thereof, to hold to the said
 ‘ Commissioners and their Successors for ever, according to the
 ‘ true Intent and Meaning of said Act. In witness whereof I have
 ‘ hereunto set my Hand and Seal on this Day of
 ‘ in the Year of our Lord

Commissioners
 empowered to
 require a Con-
 veyance if they
 think fit.

Form of Con-
 veyance.

XXXIII. And be it enacted, That in case the Purchase Money of the Lands, Tenements, or Hereditaments required to be conveyed shall have been lodged in the Bank of Ireland as aforesaid,

If the Purchase
 Money be
 lodged in Bank,
 Court m^r

or

appoint a Person to execute the Conveyance.

or in case any Person so required to execute such a Conveyance shall refuse to execute the same, or be incapable of executing the same, then and in every such Case it shall be lawful for the Court of Chancery of *Ireland*, on the Application of the said Commissioners by Motion or Petition, to direct any Person whom such Court may think fit to appoint for such Purpose to execute to the said Commissioners a Conveyance in the Form aforesaid, or as near thereto as the Circumstances of the Case will admit, of the Lands, Tenements, or Hereditaments the Purchase Money whereof shall have been lodged in the said Bank as aforesaid; and all Conveyances which shall be executed for the Purposes of this Act shall be duly enrolled in the Rolls Office of Her Majesty's High Court of Chancery in *Ireland* within Three Months from the Execution thereof respectively, and shall be good and valid and effectual in Law, to all Intents and Purposes, and shall operate and be good as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estate Tail, and other Estates, Right, Title, Remainders, Reversions, Limitations, Trusts, Charges, and Incumbrances whatsoever, and shall be conclusive and binding against the Queen's most Excellent Majesty, Her Heirs and Successors, and against all Bodies Politic and Corporate, Trustees, and all other Persons whatsoever herein-before described, who claim any Estate or Interest in the Lands, Tenements, or Hereditaments, or other Matters or Things thereby conveyed.

No Stamp Duty on any Deeds, &c. under this Act.

XXXIV. And be it enacted, That no Obligation, Contract, Agreement, Assignment, Deed, Conveyance, or other Instrument whatever taken or made to or by the Commissioners for the Execution of this Act, or any Affidavit, Deposition, Certificate, Order, or Receipt to be respectively taken or made under or by virtue of this Act, shall be liable to any Stamp Duty or Law or Chancery Fund whatever, any thing in any Act or Acts in force in *Ireland* to the contrary in anywise notwithstanding.

Commissioners may enter into Lands to make Surveys, and take temporary Possession thereof for depositing Materials, making Compensation.

XXXV. ' And whereas it is expedient that the said Commissioners, their Engineers, Agents, Workmen, and others employed by them, should be empowered to enter upon and take temporary Possession of all or any of the Lands herein-after described, for any of the Purposes herein-after mentioned, making Compensation as herein-after directed for such temporary Occupation or Damage; be it therefore enacted, That it shall and may be lawful for the said Commissioners, their Engineers and Workmen, and all others employed by them, and they and each of them are and is hereby empowered, at any Time or Times, if it shall seem expedient to the said Commissioners so to do, to enter into the Lands of the Queen's most Excellent Majesty, or of any Corporation or Person whatsoever, adjoining or lying near to the said River *Shannon*, or adjoining or lying near to any Work or Works executed or to be executed under this Act, or which by this Act are vested in or placed under the Care of the said Commissioners, for the Purpose of making such Surveys, Examinations, and Admeasurements as to the said Commissioners shall seem expedient for the Purposes of this Act, and, if necessary, to dig and bore therein, and also to enter into and take temporary Possession of such Lands, or any Parts thereof, for the Purpose of depositing or manufacturing thereupon, or on any Part thereof respectively,

any

any Soil, Gravel, Clay, Sand, Stone, or other Materials whatsoever which shall have been excavated, dug, or got in any of the said Works, or which may be taken or dug out of or from any Lands adjoining to the Place where the said Works or any of them shall be carried on, or which shall be necessary for carrying on, maintaining, or repairing such Works, or any of them, and to dig, cut, get, take, quarry, remove, and carry away, out of and from such Lands, any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found thereon or therein, and which may be requisite or convenient for making, maintaining, or repairing any of the said Works, and to use or make such Ways and Passages for any of the Purposes aforesaid over or across such Lands as to them shall seem expedient, they the said Commissioners, their Engineers, Agents, Workmen, and all others employed by them, doing as little Damage as may be in the Exercise of the Powers hereby granted to them, and making such Compensation as they shall think just for such temporary Occupation or Damage of the said Lands to the Owners or Occupiers thereof: Provided always, that no Compensation shall be given to any such Owner or Occupier in respect of the Value of any Stones, Gravel, or other Materials, but simply for the Waste committed by breaking the Surface and making a Passage through the Land, unless Quarries and Gravel Pits have been specifically demised to him in the Lease he holds of the Lands, with Liberty to sell and dispose thereof: Provided also, that before it shall be lawful for the said Commissioners to make such temporary Use as aforesaid of such Lands, the said Commissioners shall and they are hereby required to give at least Three Days Notice of such their Intentions to the Owners or Occupiers of such Lands, Tenements, or Hereditaments; and provided also, that the said Commissioners, or Persons acting under them, shall set apart, by sufficient Railings or Fences, if required by the Owners or Occupiers so to do, so much of the Lands, Tenements, or Hereditaments as shall be required to be so used as aforesaid, from the other Lands adjoining thereto, and shall, in case any Pit or Hole shall be made in any Lands wherein such Materials shall be found, if the same is not likely to be further useful, cause the same to be filled up and sloped down within Fifteen Days after sufficient Materials shall have been dug thereout.

XXXVI. And be it enacted and declared, That the said River *Shannon* is and for ever hereafter shall be, to all Intents and Purposes, a public navigable River; and that all the Queen's liege Subjects may have and lawfully enjoy their free Passage in, along, through, and upon the said River *Shannon*, with Boats, Barges, Lighters, and other Vessels, and also all necessary and convenient Liberties for navigating the same, without Let, Hindrance, or Obstruction whatever, on paying such Rates, Tolls, and Duties as are by this Act appointed to be paid, and complying with such Rules, Orders, Regulations, and Bye Laws as shall be made by the said Commissioners under the Provisions of this Act: Provided always, that nothing herein contained shall be construed to exempt any Person or Thing from the Payment of any Tonnage, Quayage, Rateage, or other Dues payable under an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Erection of a Bridge across the River Shan-*

No Compensation for the Value of Materials taken, but only for the Surface Damage.

Notice to be given, and Lands fenced.

The Shannon shall be a public navigable River.

4 G. 4. c. xciv.
non,

4 & 5 W. 4.
c. lxxxiv.

Care and Con-
servancy of the
River Shannon
vested in the
Commissioners.

No Weirs or
other Obstruc-
tions shall be
placed in the
Navigation,
without the
Consent of the
Commissioners.

non, and of a Floating Dock to accommodate sharp Vessels frequenting the Port of Limerick, and of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for the Erection of a Bridge across the River Shannon, and of a Floating Dock to accommodate sharp Vessels frequenting the Port of Limerick,'* or from Compliance with any Rules or Regulations imposed or to be imposed by the Commissioners appointed under the said Two last-mentioned Acts.

XXXVII. And be it enacted, That the Care and Conservancy of the said River *Shannon*, and of such of the Rivers which flow into it as shall from Time to Time be made navigable or improved by the Commissioners for the Execution of this Act, within such Limits as shall be defined under the Provision herein-after contained, and of the several Works which shall be vested in the said Commissioners, or shall be executed under this Act for the Improvement of any of the Rivers aforesaid, or for any other Purpose authorized by this Act, and also of all such Canals, Locks, Harbours, Wharfs, Landing Places, Piers, Quays, and other Matters as are or shall be vested in the said Commissioners, or shall be made by them for the Improvement of the Navigation of any of the Rivers aforesaid, or in connexion therewith, shall, from and after the Expiration of Three Months from the passing of this Act, and after Payment of the Sums respectively awarded for the Purchase of or as Compensation for any of the Matters aforesaid, (if the same be payable under the Provisions of this Act,) be vested exclusively in the Commissioners for the Execution of this Act; and that all Property, Estate, Right, Title, and Interest, Powers, Authorities, and Privileges, in, over, or relating to the River *Shannon*, or any of the Canals or Rivers aforesaid, heretofore given to or vested in any Company, Corporation, or Person mentioned in any of the said Awards, by any Act or Acts, or otherwise howsoever, shall thenceforth cease and be void.

XXXVIII. And be it enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, to make or erect, alter, raise, or enlarge, any Weir, Dam, Water-course, or other Matter or Thing in the said River *Shannon*, or in any of the Rivers aforesaid, within the Limits which shall be defined as herein-after directed, or to divert the Waters of any of the said Rivers, or to introduce into the same respectively any other Waters or Drainage which in the Opinion of the said Commissioners may prove injurious to the Navigation thereof, or to the Drainage to be effected under this Act, or to fish upon or from any of the Weirs or any Dams or other Work or Works which shall be erected by the said Commissioners, without the Consent of the said Commissioners, which Consent shall be signified by Warrant under the Hands and Seals of Two or more of them, and which Consent shall continue in force for Three Years, and not for any longer Period; and every Person who shall offend against any of the Provisions aforesaid, being convicted thereof before any Justice or Justices of the Peace where such Offence shall be committed, by the Oath of One or more credible Witness or Witnesses, shall for each such Offence be fined by such Justice or Justices a Sum

not exceeding Ten Pounds, to be levied in such Manner as is herein-after directed with respect to Fines to be imposed by any Justice or Justices.

XXXIX. And be it enacted, That the said Commissioners shall, within Six Months from the passing of this Act, or at such other Time or Times as shall seem to them most expedient, fix and determine the Limits of the said River *Shannon*, and such of the Rivers aforesaid, or Parts thereof, as shall be improved under this Act, as to them shall seem expedient, within which all the Powers and Authorities by this Act given to the said Commissioners for the Care and Conservancy of the said Rivers respectively shall and may be exercised; and a printed Notice giving such Description of the Limits so fixed, with such Map or Plan thereof as to the said Commissioners shall seem expedient, shall be posted on each Toll House on or near the said River *Shannon*, and such of the Rivers aforesaid as to them shall seem expedient, and at every Place where a Table of the Tolls or Rates to be taken on the said River respectively shall be posted, and at such other Places as to the said Commissioners shall seem expedient.

Commissioners shall cause the Limits of the River to be defined.

XL. And be it enacted, That the said Commissioners, at such Time and Times as to them shall seem expedient, and from Time to Time, shall cause Surveys to be made of the said River *Shannon*, or of any of the Rivers aforesaid, or of any Parts thereof respectively, and shall, if it seem expedient to them so to do, cause Maps or Plans to be made of the said River, or of any of the Rivers aforesaid, or of such Parts thereof as to them shall seem expedient, and shall in such Maps or Plans, or in the Maps or Plans heretofore made of such, accurately describe the several Weirs, Dams, Watercourses, and other Matters and Things which shall then be or stand or be placed or erected in the said River *Shannon*, or any of the Rivers aforesaid, or such Parts thereof as aforesaid; and the said Commissioners shall cause Copies of such Maps or Plans, or of the Maps or Plans heretofore made, or of such Plans thereof, as to them shall seem expedient, to be made and deposited in such and so many convenient Places in the Vicinity of such Rivers as they shall think proper, there to remain open to public Inspection at all reasonable Times for Three successive Weeks, and shall cause Notices of the Place or Places where the same may be deposited to be posted in the usual Places for posting Grand Jury Notices in each adjacent Barony or Half Barony, and a like Notice to be inserted once in each Week for Three successive Weeks in the *Dublin Gazette*; and the said Commissioners shall have Power during such Three Weeks to alter and amend such Maps, Plans, and Copies, according to any Evidence which shall be produced before them, or otherwise as to them shall seem expedient; and from and after the Expiration of such Three Weeks any such Map, Plan, or Copy as aforesaid, signed by the said Commissioners, shall be Evidence in any Court whatsoever that the Weirs, Dams, Watercourses, and other Matters or Things therein described existed, at the Time of the making such Maps, Plans, or Copies, in the respective Rivers therein named, and that the same were respectively of the Height, Extent, and Dimensions therein respectively described, and shall also be Evidence that no other Weirs, Dams, Watercourses, or other Matters or Things existed in any of such Rivers,

Commissioners shall cause Surveys and Maps of the Mills and all Weirs and Dams thereon to be made.

Rivers, or of such Parts thereof as aforesaid, save and except those contained or described in such Maps, Plans, or Copies thereof.

Beacons and
Lighthouses
may be erected.

XXI. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to erect and maintain any Beacons or Lighthouses, or other Matters or Things, which to them shall seem expedient for the Purposes of the said Navigation, upon any Lands adjoining or near to the said River *Shannon*, or any of the Rivers aforesaid, they the said Commissioners paying such Compensation for any Loss or Damage caused thereby to the Owners or Occupiers of such Lands, as to the said Commissioners, after due Examination and Inquiry, shall seem just and reasonable.

Commissioners
to widen,
deepen, &c. the
Rivers, and
remove all
Obstructions ;

XLII. And be it enacted, That the said Commissioners for the Execution of this Act shall have full Power to widen, or deepen, cleanse, clear, scour, open, or straighten, and to remove all Obstructions, in the Opinion of the said Commissioners injurious to the Navigation thereof respectively, from the said River *Shannon*, or any of the Canals or Rivers aforesaid, by any Ways or Means which to them shall seem expedient, and to make and erect, in or on the said River *Shannon*, or in or on any of the Rivers aforesaid, or upon the Lands adjoining or contiguous to the same or to any of them, such and so many Weirs, Dams, or Engines, Landing Places, or other Matters or Things, for the Purpose of improving the Navigation of the said River *Shannon*, or any of the Rivers aforesaid, or for the Drainage to be effected under this Act, or for any of the other Purposes of this Act, as to the said Commissioners shall seem expedient.

and to erect
Weirs, Dams,
&c.

Power to weigh
and draw up
sunk Boats at
the Expence of
the Owners.

XLIII. And be it enacted, That if any Boat or other Vessel shall happen to be sunk in the said River *Shannon*, or in any of its Lakes or Canals, or in any of the Rivers aforesaid, and the Owner or Person having the Care thereof shall not without Loss of Time weigh or draw up the same, any Agent or Servant of the said Commissioners may cause such Boat or Vessel to be weighed or drawn up, and detain the same until Payment be made of all Expences occasioned thereby ; and if such Payment be not made in Twenty-one Days after a Notice demanding Payment shall have been served upon such Owner or Person having the Care thereof, or posted on such Boat or Vessel, the said Commissioners shall cause Sale to be made thereof for reimbursing the said Expence or incident Charges, and shall return the Overplus (if any) to the Owner of such Boat or Vessel.

Commissioners
to sell or demise
Lands, Mill
Sites, &c.

XLIV. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to sell and dispose of, or to demise for such Term as to them shall seem expedient, all or any Part of the Lands, Tenements, or Hereditaments which shall be vested in them as such Commissioners, and all or any of the Mills, Buildings, or Erections which are now or shall hereafter be built or erected thereon, and all such Weirs, Milldams, and Water-courses in or near the said River *Shannon*, or any of the Rivers aforesaid, and all such Mill Sites as shall be vested in the said Commissioners, together with such Water Power for the Use thereof respectively, as to them shall seem expedient, and also to let or sell all such redundant Water in the said River *Shannon*, or so much thereof as they shall judge expedient, for Bleach Green, Mills,

Mills, or Manufactures or other Use whatsoever, and also all Fisheries and Rights of fishing which are or shall under the Provisions of this Act, or otherwise, be vested in them: Provided always, that it shall be lawful for any Person or Persons whatsoever in whom any Right of fishing in the said River *Shannon*, or in any of the Rivers aforesaid, now is or hereafter shall be vested, to exercise such Right by any Ways or Means which the said Commissioners shall deem not injurious to the Navigation of any of the said Rivers, or to the Drainage to be effected under this Act, as long as such Right shall continue to be legally vested in such Person or Persons.

XLV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to demand, receive, levy, and take, upon or along the said River *Shannon*, or any of its Canals, or any Part of the Navigation thereof, or upon any of the Rivers which shall be improved by the said Commissioners under the Provisions of this Act, the Rates or Tolls herein-after mentioned, and to compound with any Person or Persons whatsoever for any Sum or Sums whatsoever in lieu of the Tolls or Rates payable under this Act; and it shall be lawful for the said Commissioners to fix the Time or Times respectively from and after which such Tolls, Rates, or Compositions shall be payable.

Power to Commissioners to take Tolls, &c.

XLVI. And be it enacted, That the Sums which shall be payable for such Rates or Tolls shall not exceed the Sums following; (that is to say,)

Tolls.

For and in respect of every Ton Weight of Slates, Tiles, Bricks, Coal, Pig Iron, Bar, Rod, Hoop, Sheet, and all other Descriptions of Wrought Iron not made into Articles of Merchandize, Charcoal and Clay, with which any Boat or Vessel navigating the said River *Shannon*, or any Canals or Waters within the Limits of the said Commissioners Authority, shall be laden, for every Statute Mile navigated by such Boat or Vessel, a Sum not exceeding One Halfpenny:

For and in respect of every Ton Weight of Articles or Merchandize of any other Description (other than those next herein-after mentioned) with which any Boat or Vessel so navigating as aforesaid the River *Shannon*, or any Canals or Waters within the Limits of the Authority of the said Commissioners, shall be laden, for every Statute Mile navigated by such Boat or Vessel, a Sum not exceeding One Penny:

For and in respect of every Boat or Vessel laden with Lime to be used as Manure, Dung, Compost, or other Manure, Lime to be used otherwise than as Manure, Limestone, Building Stone, Turf, Sand, Gravel, or Materials for the Repair of public or private Roads, which shall navigate the said River *Shannon* or any such Canals or Waters as aforesaid, for every Ten Statute Miles navigated by such Boat or Vessel, a Sum not exceeding Two Shillings and Sixpence:

For and in respect of every Boat or Vessel not laden, in whole or in part, with Merchandize or other Articles as aforesaid, which shall navigate the said River *Shannon* or any such Canals or Waters as aforesaid, for every Time which such Boat or Vessel shall pass through a Lock, a Sum not exceeding One Shilling:

And

And for every Time such Boat or Vessel last aforesaid shall require a Swivel Bridge to be opened, a Sum not exceeding Two Shillings and Sixpence.

Limitation of Tolls.

XLVII. And be it enacted, That every Boat or Vessel herein-before charged with a Tonnage Rate shall not in any Event be liable to pay in respect of any One Voyage a greater Amount of Toll than Two Shillings and Sixpence *per* Ton, and that every Boat or Vessel herein-before charged with a Rate *per* Boatload shall not in any Event be liable to pay in respect of any One Voyage a greater Amount of Toll than Four Shillings: Provided always, that no Toll or Rate whatsoever shall be rated, levied, or imposed by the said Commissioners under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods, or upon any Boat or Vessel, whether laden or unladen, for or in respect of any Distance navigated by such Boat or Vessel, in or upon *Lough Derg*, *Lough Ree*, and *Lough Allen*, or any of them, or any Part of the said River *Shannon* from the Canal at *Limerick* to the Sea.

Commissioners to fix Rates of Wharfage and Quayage.

XLVIII. And be it enacted, That it shall be lawful to and for the said Commissioners to demand, receive, levy, and take such Rates for Wharfage and Quayage at all Piers, Harbours, Landing Places, Quays, or Wharfs vested in them, or to be built or erected under the Provisions of this Act, as they shall from Time to Time fix and appoint, with the Consent and Approbation of the Commissioners of the Treasury.

Tolls may be raised or lowered.

XLIX. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time to raise the same or any of them, and then to take such higher Rates, provided the same respectively shall not at any Time exceed the Amount by this Act authorized: Provided also, that if any such Rates or Tolls shall have been let or demised by the said Commissioners, no Alteration shall be made in the Sums payable for the same during the Continuance of such Lease or Demise, unless with the Consent in Writing of such Tenant or Lessee.

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods.

L. And be it enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates and Tolls made payable by this Act, and the Owner, Master, or Person having charge of any Ship, Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandize or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight and Quantity of the same, it shall and may be lawful for such Collector to stop and detain any such Ship, Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize or other Things as shall be in any Vessel or Vessels, where and when any Dispute shall arise; and in case such Goods, Wares, and Merchandize or other Things shall, upon such weighing, measuring, or gauging, appear to be as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring,

or

or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, and Merchandize or other Things, then and in such Case the Master or Owner of such Ship, Boat, Barge, or other Vessel, or the Owners of such Goods, Wares, and Merchandize so weighed, measured, or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandize or other Things shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay the Master or Person having the Charge of such Ship, Boat, Barge, or other Vessel, or to the Owner or Owners of such Goods, Wares, and Merchandize, One Shilling for every Hour that such Ship, Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant or Warrants under the Hand and Seal of any Justice of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner or Owners thereof, after such Distress and Sale made, if any be.

LI. And be it enacted, That the said Commissioners shall cause to be painted on Boards, and to be affixed, and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Rates or Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act.

LII. And be it enacted, That it shall and may be lawful for the said Commissioners to appoint sufficient Collectors and Agents for the Purpose of receiving the Tolls and Rates payable under this Act; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Commissioners may, in case such Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same, by an Action of Debt or on the Case, in any of Her Majesty's Courts of Record, or by Civil Bill; or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to Twenty Pounds or not, to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, or

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

Enforcing the Payment of Rates and Tolls.

any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payments shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Leasing the Rates and Tolls.

LIII. And be it enacted, That it shall be lawful for the said Commissioners (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls or Rates payable under the Provisions of this Act for Terms not exceeding Three Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease, as the said Commissioners, with the Consent and Approval of the said Commissioners of the Treasury, shall deem expedient; and every such Lease shall be valid; and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Commissioners and the Person or Persons appointed by them to collect such Tolls and Rates.

Power of Re-entry in case of Nonperformance of the Conditions of Leases, &c.

LIV. And be it enacted, That in case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them; or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Demise of such Rates or Tolls; or in case any Collector of any of the said Rates or Tolls appointed by the said Commissioners as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or any Representative of any such Collector, or any other Person, being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers or used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing, signed by any Two of the said Commissioners, shall be given to him, or affixed to such Toll House, Office, or Building; or in case any such Lease or Demise shall in any Manner become void or voidable; then and in in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Commissioners, by Warrant under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from
and

and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Commissioners, their Agent or their new Lessee or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease and Demise or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements unperformed by the said Lessees); and it shall be lawful for the said Commissioners in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let the said Tolls or Rates in such and the same Manner as if no former Demise or Agreement had been made with respect thereto.

LV. And be it enacted, That all Sums received by the Commissioners for the Execution of this Act on account of such Rates and Tolls as aforesaid, and all Rents or other Monies received by the said Commissioners for or in respect of any Lands, Tenements, or Hereditaments, or otherwise, under the Provisions of this Act, shall be paid into the Bank of *Ireland* to the Credit of the said Commissioners, and shall be applied in the first instance towards keeping, maintaining, and repairing the Navigation of the said River *Shannon*, or any of the Rivers which shall be improved under the Provisions of this Act, and the Wharfs, Piers, Landing Places, Quays, Harbours, and other Works connected therewith, and all Expences attendant thereon; and the Surplus, after such Expenditure, shall be applied in such Manner as Parliament shall direct.

In what Manner the Income received by the Commissioners shall be disposed of.

LVI. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Rules, Orders, Regulations, and Bye Laws as to them shall seem meet and proper for regulating the Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the said River *Shannon*, and such of the Rivers or Parts thereof as shall be improved by them as aforesaid, and the several Canals and Navigations and Off-branches thereof respectively which shall be at any Time vested in them, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and repassing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of all Goods, Wares, Merchandize, and Commodities, which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon the said River *Shannon*, or any of such Rivers or Parts thereof as aforesaid, or upon any of the said Canals or Navigations or Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandize, or Commodities thereon, and for the Superintendance, Management, and Conservation of the said River *Shannon*, and of such of the Rivers or Parts thereof as aforesaid, and of the said Canals and Navigations and Off-branches thereof respectively, in all other respects whatever, and from Time to Time to alter or repeal all or any of such Rules,

Commissioners to make Bye Laws.

Orders, Regulations, or Bye Laws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Rules, Orders, Regulations, or Bye Laws as to the said Commissioners shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Penalties to be levied and recovered, in the Manner herein-after directed by this Act with respect to any other Offences, upon the Warrant of One or more Justices of the Peace for the County where any such Offence shall have been committed, or for any adjoining County; which said Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners, or any Two or more of them, and printed and published; and such of the Bye Laws, Rules, and Orders as shall subject any Person not being an Officer or Servant of the said Commissioners to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on or near to the said River, and other Buildings or Places at which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Commissioners shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, and Orders be approved of by any Two Judges of any of Her Majesty's Superior Courts of Record in *Dublin*.

Copy of Bye
Laws to be
Evidence.

LVII. Provided always, and be it enacted, That in all Cases of Prosecution for any Offence or Offences against any of the Bye Laws, Rules, and Orders of the said Commissioners, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Commissioners, and authenticated by the Signatures of any Two or more of the said Commissioners, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a painted Board purporting to be a Copy of such Bye Laws, Rules, or Orders hath been affixed and published, in manner by this Act directed, and, in case of its having been afterwards displaced or damaged, that it hath been replaced by another such Board in convenient Time after, unless Proof shall be adduced by the Defendants that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed or generally continued in manner by this Act directed.

Penalty on
Persons depo-
siting Gravel,
&c. so as to
obstruct the
River.

LVIII. And be it enacted, That if any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water through the same or the Navigation thereof, into or in the said River *Shannon*, or any of the Cuts, Sluices, or Canals aforesaid, or any of the Rivers aforesaid, which shall have been improved by the said Commissioners under this Act, or shall, without the Consent of the said Commissioners, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Rivers aforesaid, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to
the

the said Navigation, or shall so leave any of the same open after any Boat has passed, or otherwise maliciously mis-spent or waste the Water of the said Navigation, every such Person, being convicted of any of the Offences aforesaid before any Justice or Justices of the Peace of the County where such Offence shall be committed, or of any adjoining County, by the Oath of One or more credible Witness or Witnesses, shall be fined by such Justice or Justices a Sum not exceeding Five Pounds, to be levied in such Manner as is herein-after directed with respect to the levying any Fine imposed by any Justice or Justices.

LIX. And be it enacted, That if any Nuisance or Impediment to the Navigation aforesaid, or any other Offence against or Breach of any Rule, Order, Regulation, or Bye Law which shall be made as aforesaid, or any of the Provisions of this Act, shall be continued, or shall not be abated, removed, or discontinued, within Seven Days after Notice in Writing signed by the said Commissioners, or by any Person acting under them, shall have been served on or left at the usual Place of Abode of the Person or Persons so continuing such Nuisance, Impediment, Offence, or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and it shall and may be lawful for such Justice or Justices as aforesaid to impose a Fine or Penalty not exceeding Five Pounds for each and every such Continuation.

If any Nuisance be continued after Notice, it shall be considered a new Offence.

LX. And be it enacted, That if any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Commissioners for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Commissioner in the Execution of any of the Powers given by this Act, or shall wilfully destroy or injure any of the Instruments, Tools, or Implements of the said Commissioners, or of any of them, or of any Person or Persons employed by them or any of them in the Execution of any of the Works under this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works, or any Part thereof, executed or in progress or which shall have been executed under this Act, or any of the Materials for the Execution thereof, or shall persist in doing, after having been required by the said Commissioners or any of them, or any Person acting under them, not to do or continue to do, any Matter or Thing injurious to any of the Works erected or in progress under this Act, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, any Person so offending shall forfeit and pay for every such Offence, upon Conviction thereof by the Oaths of One or more credible Witness or Witnesses before any Justice or Justices of the Peace for the County wherein such Offence shall have been committed, such Sum, not exceeding Five Pounds, as such Justice or Justices shall think fit.

Penalty on Persons assaulting Officers and others engaged in the Works, &c.

LXI. And be it enacted, That in all Cases in which any Fine or Fines shall be imposed by any Justice or Justices under this Act it shall and may be lawful for such Justice or Justices by whom the same shall be imposed, and he or they are hereby required, except in the Cases herein-after mentioned, from Time

Mode of levying Fines by Justices.

to Time to issue his or their Warrant or Warrants under his or their Hands and Seals, and Renewals thereof, until the full Amount of such Fine or Fines shall be levied, (directed to any Constable or Constables appointed under an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, and intitled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, or to any Bailiff or Bailiffs to be appointed by the Commissioners for the Execution of this Act,) commanding him or them to levy such Fine and Fines by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner; and all such Constables and Bailiffs are hereby empowered and required to execute the same.

& 7 W. 4. c. 13.
Mode of levying
Fines imposed
by the Bye
Laws.

In case no suffi-
cient Distress
Offender to be
imprisoned.

LXII. And be it enacted, That in case any Fine, Penalty, or Forfeiture which shall be imposed or incurred under this Act shall not be forthwith paid, it shall be lawful for the Justice of the Peace by whom the same shall be imposed to order the Offender or Offenders on whom the same shall be imposed to be detained in safe Custody until Return can be conveniently made to their Warrant or Warrants of Distress which shall be issued for the levying thereof, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices or other Persons, by Recognizance or otherwise, for his Appearance before such Justice, or before some other Justice of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant or Warrants of Distress, such Time not being more than Forty-eight Hours from the making of such Security; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress could be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be paid forthwith, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby authorized and empowered, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the County or Place within which such Offence shall be committed, there to remain for any Time not exceeding One Calendar Month, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by Law.

Form of Con-
viction.

LXIII. And be it enacted, That all Justices of the Peace before whom any Person shall be convicted in respect of any Offence against this Act shall cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case may require:

' County of
' to wit. } **BE** it remembered, That on the
' Day of in the Year of our Lord
' A.B. is convicted before me C.D., One
' of Her Majesty's Justices of the Peace for

' [specifying

‘ [specifying the Offence and the Time and Place when and where the same was committed], contrary to an Act passed in the Year of the Reign of Queen Victoria, intituled [state the Title of this Act]. Given under my Hand and Seal the Day and Year first above written.’

And no Objection for Want of Form shall be allowed to any such Conviction, nor shall the same be removeable by Certiorari or otherwise into any other Court.

LXIV. And be it enacted, That the said Commissioners for the Execution of this Act shall, in sufficient Time before each Assizes in each Year, cause an Account to be taken of all Monies which shall have been issued to them by the said Commissioners of the Treasury, in Exchequer Bills or Cash, for the Purposes of this Act, up to the Day on which such Account shall be so taken from the Commencement of this Act, or from the last preceding Account, and shall, having regard to the Awards made or to be made by them as herein-before mentioned, and to the Provisions of this Act, ascertain the Amount of such Monies repayable by any of the Counties or Parts thereof named in the said Awards, and having ascertained the Amount so to be repaid on each such Occasion as aforesaid the said Commissioners shall cause a Certificate under the Hands of any Two or more of them, specifying the Sum to be presented at the next ensuing Assizes by the Grand Jury of any such County, to be transmitted to the Secretary of the Grand Jury of such County; and it shall be lawful for the said Commissioners to specify what Part, if any, of such Sum shall be raised or levied upon any Barony or Baronies, Half Barony or Half Baronies, District or Districts, in such County, or upon such County at large; and each such Secretary is hereby respectively required to lay such Certificate before the Grand Jury for the County of which he shall be Secretary at the next ensuing Assizes.

The Commissioners shall ascertain the Sums repayable by the Counties, and shall issue their Certificates to the Grand Juries, in order that the same may be levied.

LXV. And be it enacted, That the Grand Jury of each such County shall, upon such Certificate being laid before them by such their Secretary, and without Application to Presentment Sessions, and they are hereby required to present the Sum or Sums mentioned in such Certificate to be levied and raised off such County at large, Barony or Baronies, or Half Barony or Half Baronies, or District or Districts, in such County, pursuant to such Certificate; and in case any Grand Jury shall at any Time or Times neglect or refuse to present the Sum mentioned in any such Certificate, then and in every such Case the Court shall and may at such Assizes make an Order directing that the Treasurer for such County shall insert such Sum in his Warrant for levying the Money presented at such Assizes, and such Order shall have the Force and Effect of a Presentment, and the Treasurer shall, without further Authority or Presentment in that Behalf, insert the same in his Warrant accordingly; and the Sum inserted in such Warrant by Order of the Court as aforesaid shall be raised and levied from and off the County at large, or from and off the Barony or Baronies, Half Barony or Half Baronies, District or Districts, named in such Certificate and Order, as if the same had been duly presented by the Grand Jury.

Grand Jury required to present the Sum in Certificate.

Treasurer shall pay the Instalment into the Bank of Ireland to the Credit of the Commissioners.

LXVI. And be it enacted, That each such Treasurer shall pay the Sum mentioned in each such Certificate, when and as the same shall be levied and received by him, to such Bank or Person and in such Manner as the said Commissioners of the Treasury shall direct and appoint, for the Purpose of being transferred and remitted to the Receipt of Her Majesty's Exchequer at *Westminster*; and that there shall be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer at *Westminster*, a Book or Books in which all the Monies so remitted and transferred as aforesaid shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all Monies so transmitted and transferred as aforesaid shall be subject and liable to pay off and discharge, so far as the same will extend, all the Exchequer Bills to be made out and issued by virtue of this Act, with such Interest as shall be payable thereon, at the respective Days and Times and in the Order and Course in which the same may be directed to be discharged; and all such Exchequer Bills and Interest as aforesaid shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall be so transferred and remitted, and also to repay and replace all such Sums, if any, as shall be advanced out of the Consolidated Fund for the Purposes of this Act.

The Commissioners may make Arrangements with the Owners of Estates with respect to the Mode in which they shall repay Advances for particular Works.

LXVII. And whereas by certain Awards made under the Provisions of the said recited Act it has been determined that the Expence of certain Works therein mentioned shall be in part repaid by the Owners of individual Estates particularly benefited thereby, and it is expedient to make Provision for the Payment of the Contributions so to be made by the Owners of individual Estates towards the repaying the Expences of such Works, and to enable Tenants for Life and others having only particular Estates, or under Incapacity, to raise Money for such Purpose; be it therefore enacted, That in the Case of each and every Work towards repaying the Expence whereof it shall have been determined by any Award made under the Provisions of the said recited Act, or to be made under the Provisions of this Act, that the Owner or Owners of any individual Lands, Tenements, or Hereditaments shall be charged with any particular Contribution, it shall be lawful for the said Commissioners to enter into such Contracts as they shall think proper with the Owners of such Estates for the Payment, with Interest at such Rate as they shall fix, with the Consent of the said Commissioners of the Treasury, by Instalments or otherwise, of the Proportion of the Expence by such Awards appointed to be contributed by the Owners of such Estates; and the Commissioners for the Execution of this Act shall have all such Powers for enforcing the due Performance of such Contracts, and for the Recovery of any Sums agreed to be paid by such Owners of Estates, as are given to and vested in the Commissioners appointed under an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act for the Extension and Promotion of Public Works in Ireland*, enabling them to recover any Sums lent by them under the Provisions of the said Act.

1 & 2 W. 4. c. 33.

LXVIII. And

LXVIII. And be it enacted, That it shall and may be lawful for any Corporation, Lay or Ecclesiastical, Sole or Aggregate, and for the Husbands, Guardians, Trustees, Committees, or Attornies of or acting for the Owners or Proprietors of, or any Company or Companies, or Directors thereof for the Time being, interested in any Lands, Tenements, or Hereditaments, through, upon, or adjoining to which any of the Works last aforesaid shall be executed under the Powers of this Act, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for the Owners and Proprietors of all such Lands, Tenements, or Hereditaments, being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, and to and for every of them for the Time being, with the Sanction and Consent of the Commissioners for the Execution of this Act first had and obtained, by Indenture or Indentures under their respective Hands and Seals (and to which Indenture or Indentures One of the said Commissioners shall be an executing Party for the Purpose of signifying such Sanction and Consent as aforesaid), from Time to Time to charge the Inheritance of the said Lands, Tenements, or Hereditaments, and of all or any other Lands, Tenements, or Hereditaments in *Ireland* standing settled therewith to the same Uses, Intents, and Purposes, with any Sum or Sums of Money which shall be advanced or applied by him, her, or them respectively in or towards Payment of his, her, or their Contribution to the Execution of such Work or Works as aforesaid, together with Interest at any Rate not exceeding Six Pounds *per Centum per Annum*, and for securing the Repayment of such Sum or Sums of Money, with Interest as aforesaid, to grant, mortgage, lease, or demise, or otherwise subject the said Lands, or any other Lands, Tenements, or Hereditaments in *Ireland* standing settled therewith to the same Uses, Intents, and Purposes, or any Part thereof respectively, to any Person or Persons who shall advance such Sum or Sums of Money respectively in Fee or for any Term of Years; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid shall be good, valid, and effectual in Law for the Purposes hereby intended, and shall take Priority of all Charges and Incumbrances whatsoever or wheresoever made: Provided always, that the Person or Persons entitled in Reversion or Remainder to the Lands, Tenements, or Hereditaments comprised in such Indenture or Indentures shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for Six Months preceding the Time that his, her, or their Title to such Possession shall have commenced.

LXIX. And be it enacted, That no Action or Suit shall be commenced against the Commissioners for the Execution of this Act, or any of them, or against any Person or Persons whatsoever acting under them, for any thing done by virtue of or in pursuance of this Act, until Twenty Days Notice thereof in Writing shall have been given to the Solicitor for the Time being of the said Commissioners, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Months next after the Fact committed; and the Venue in such Action shall be laid and such Suit shall be brought in the
City

Tenants for Life and incapacitated Persons may charge the Inheritance with Money to be advanced for any of the Works.

No Action to be brought against Commissioners without Twenty Days previous Notice.

City of *Dublin*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be held thereupon, and that the same was done in pursuance and by the Authority of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for any Person or Persons who shall be a Defendant or Defendants or Avowant or Avowants in any such Replevin to avow, plead, or make cognizance generally that he or they took the same Cattle, Goods, or Chattels as a Distress by force of the Statute in that Case made and provided, without more particularly setting forth this Act, or the Cause of making or detaining the said Distress, or making any other more special Plea, Avowry, or Cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done or that the Distress replevied was made in pursuance and by Authority of this Act, or if such Action or Suit shall be brought without Twenty Days Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants or Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his or her or their Action, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, Avowant or Avowants, shall have Treble Costs, and shall have such Remedy for Recovery of the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Evidence not to be given unless in Notice.

LXX. And be it enacted, That no Evidence shall be permitted to be given by such Plaintiff or Plaintiffs, on the Trial of any such Action as aforesaid, of any Cause of Action except such as is contained in the Notice hereby directed to be given.

Power to sue and be sued in the Name of the Secretary.

LXXI. And be it enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, in any Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit at Law or Equity to be brought or commenced by or against the said Commissioners, or any of them, on account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary without the Consent of the said Commissioners; and the Secretary for the Time being shall always be deemed the Plaintiff or Plaintiffs in such Action or Suit, as the Case may be.

Treasury may require the Commissioners to transmit Certificates of the Progress of the Works.

LXXII. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to require the Commissioners for the Execution of this Act to certify to them, in Writing under their Hands, whether the Works intended to be executed under this Act have been fully and completely executed; and the said Commissioners for the Execution of this Act are hereby required, on every such Requisition, to transmit to the said Commissioners of the Treasury a Certificate stating whether

whether the Works intended to be executed under this Act have been fully and completely executed, or the Part or Parts of the said Works (specifying same) which still remain; to be executed; and whenever it shall appear by the Certificate of the Commissioners for the Execution of this Act that the Works intended to be executed under this Act have been fully and completely executed, it shall and may be lawful for the said Commissioners of the Treasury to issue a Warrant, signed by any Three or more of them, directing that from thenceforth the Powers and Authorities of the Commissioners for the Execution of this Act shall cease and determine.

When Works complete Treasury may suspend Powers of Commissioners;

LXXIII. And be it enacted, That from and after such Publication of the said Warrant all the Powers and Authorities hereby given to the said Commissioners for the Execution of this Act, and all the Estates, Rights, Titles, and Interests of the said Commissioners for the Execution of this Act in or to any Lands, Tenements, or Hereditaments, or any other Matter or Thing, which shall be then vested in them under and by virtue of the Powers of this Act, shall be thenceforward given to and vested in the said Commissioners for the Execution of Public Works in *Ireland*, and the Care and Conservancy of the Navigation of the said River or Rivers, and of all the Works so executed, with all the Powers and Authorities with respect thereto, shall be thenceforward solely vested in the said Commissioners for the Execution of Public Works in *Ireland*.

and their Powers to be handed over to the Commissioners for the Execution of Public Works in *Ireland*.

LXXIV. And be it enacted, That in the Construction of this Act the Words "the said Commissioners" shall mean any Two or more Commissioners for the Execution of this Act, unless when the Nature of the Provision or the Context shall otherwise require; and the Words "Commissioners of Her Majesty's Treasury," or "of the Treasury," shall mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* whenever there shall be such Officer; and the Word "Hereditaments" shall extend to and include all Weirs, Dams, Mill-courses, Watercourses, Canals, Trackways, Locks, Cuts, Sluices, Piers, Harbours, Quays, Wharfs, Fisheries and Rights of fishing, Tolls, and Rates; and the Word "Person" shall extend to and include every Body Politic, Corporate, and Collegiate, and any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend to and include any County of a City and County of a Town; and every Word importing the Singular Number shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender shall extend to a Female as well as a Male.

Construction of Terms.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. LXII.

An Act to explain and amend the Acts for the Commutation of Tithes in *England and Wales*. [17th August 1839.]

‘ **W**HEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intitled *An Act for the Commutation of Tithes in England and Wales*: And whereas an Act was passed in the First Year of the Reign of Her present Majesty to amend the recited Act: And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Merger of Tithes in Land*: And whereas it is expedient to explain and amend the said Acts in certain respects: Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case where any Tithes or Rent-charge shall have been or shall hereafter be released, assigned, or otherwise conveyed or disposed of under the Provisions of the said Acts, or any of them, or of this Act, for merging or extinguishing the same, the Lands in which such Merger or Extinguishment shall take effect shall be subject to any Charge, Incumbrance, or Liability which lawfully existed on such Tithes or Rent-charge, previous to such Merger, to the Extent of the Value of such Tithes or Rent-charge; and any such Charge, Incumbrance, or Liability shall have Priority over any Charge or Incumbrance existing on such Lands at the Time of such Merger taking effect; and such Lands, and the Owners thereof for the Time being, shall be liable to the same Remedies for the Recovery of any Payment and the Performance of any Duty in respect of such Charge, Incumbrance, or Liability, or of any Penalty or Damages for Nonpayment or Nonperformance thereof respectively, as the said Tithes or Rent-charge, or the Owner thereof for the Time being, were or was liable to previous to such Merger.

On Merger of Tithes or Rent-charge, the Charges thereon to be Charges on Lands.

Power for special Apportionment of such Charge on Lands being of Three Times the Value of the Charge.

II. And be it enacted, That every Person entitled to exercise the Powers for Merger of Tithes or Rent-charge in Land under the said Acts or any of them, or of this Act, may, with the Consent of the Tithe Commissioners for the Time being under their Hands and Seal of Office, and of the Person to whom the Lands in which such Merger or Extinguishment shall take effect shall belong, either by the Deed or other Instrument or Declaration by which such Merger shall be effected, or by any separate Deed, Instrument, or Declaration, to be made in such Form as the Commissioners shall approve, specially apportion the Whole or any Part of any such Charge, Incumbrance, or Liability affecting the said Tithes or Rent-charge so merged or extinguished or proposed to be merged or extinguished in such Lands, upon the same or any Part thereof, or upon any other Lands of such Person held under the same Title and for the same Estate in the same Parish, or upon the several Closes or Portions of such Lands, or according to an acreable Rate or Rates upon Lands of different Quality, in such Manner and Proportion, and to the Exclusion of such of them, as the Person intending to merge the same, with such Consent as aforesaid, may by any such Deed, Instrument, or Declara-

tion

tion direct: Provided always, that no Land shall be so exclusively charged unless the Value thereof shall in the Opinion of the said Commissioners be at least Three Times the Value of the Amount of the Charge, Incumbrance, or Liability charged or intended to be charged thereon, over and above all other Charges and Incumbrances, if any, affecting the same.

III. And be it enacted, That the Assessor or Collector of any Rate or Tax shall, within Forty Days after the Receipt of a Notice in Writing signed by any Land Owner or Tithe Owner interested therein, specify in his Assessment made for the Purpose of collecting and levying such Rate or Tax the Names of the several Occupiers of Tithes, Lands, and Tenements subject to such Rate or Tax, as well as the Sum assessed on the Tithes, Lands, or Tenements held by each such Occupier.

Name of each Occupier, &c. to be specified by Assessor, on Notice from Owner.

IV. And be it enacted, That where the whole of the Great Tithes or the whole of the Small Tithes, or the respective Rent-charges in lieu thereof, shall be lawfully subject to any such Charge, Incumbrance, or Liability, and the Person entitled to such Tithes or Rent-charge respectively shall be desirous of apportioning such Charge, Incumbrance, or Liability respectively exclusively upon any Part of such Tithes or Rent-charge, although such Person has not the Power or does not intend to merge the same under the said Acts or this Act, such Person may, with the like Consent of the said Commissioners, and in such Manner as they shall see fit and prescribe, and also with the Consent of the Bishop of the Diocese, specially apportion such Charge, Incumbrance, or Liability respectively upon any Part or Portion of the Tithes or Rent-charge respectively subject thereto, not being in the Opinion of the said Commissioners less than Three Times the Value of the said Charge, Incumbrance, or Liability, or of such Part thereof as shall be so apportioned thereon, or intended so to be.

Power of special Apportionment on Tithes or Rent-charge.

V. And be it enacted, That in every such Case of special Apportionment the Costs and Expences of or incident thereto shall be borne by the Party at whose Instance the same shall have been made, and shall be recoverable as other Costs of Apportionments are recoverable under the Provisions of the said recited Acts or either of them, or of this Act.

Expences of special Apportionment.

VI. And be it declared and enacted, That the Provisions of the said Acts and this Act for Merger or Extinguishment of Tithes or Rent-charge instead of Tithes in the Lands out of which such Tithes shall have been issuing, or whereon such Rent-charge shall be fixed, do and shall extend to Glebe or other Land, in all Cases where the same and the Tithes or Rent-charge thereof shall belong to the same Person in virtue of his Benefice, or of any Dignity, Office, or Appointment held by him.

Tithes and Rent-charge of Glebe may be merged.

VII. And be it enacted, That in every Case of Merger of Tithes or Rent-charge issuing out of Land of Copyhold Tenure, and subject to arbitrary Fine, it shall be lawful for the said Commissioners, on the Application of the Owner of such Land, to ascertain, by such Ways and Means as they shall think fit, the annual Value of the Tithes or Rent-charge so merged or intended to be merged; and the said Commissioners shall in such Case cause to be endorsed on the Deed, Declaration, or other Instrument effecting such

Provision for deducting Value of Tithes and Rent-charge from arbitrary Fines in Cases of Merger in Copyholds, 1 & 2 Vict c. 64. s. 4.

such Merger a Certificate under their Hands and Seal, setting forth such annual Value so ascertained; and in every Case of future Assessment of Fine on the Lands which before such Merger were subject to such Tithes or Rent-charge, the Parties entitled to such Fine shall assess the same as if such Lands were subject to the Tithes or Rent-charge of which the annual Value shall be so endorsed; and the Production of such Deed, Declaration, or Instrument of Merger, or of a Duplicate thereof, with such Certificate endorsed, or of an Office Copy of such Deed, Declaration, or Instrument and Certificate endorsed thereon, shall be sufficient Evidence of the annual Value of such Tithes or Rent-charge.

Power to make Award by way of Supplement to Parochial Agreement in Cases of Fraud, &c.

VIII. And be it enacted, That, notwithstanding any thing in the said Acts or any of them contained, in any Case where a Parochial Agreement for Rent-charge or for giving Land instead of Tithes, or any compulsory Award, has been duly confirmed by the said Commissioners, and it shall appear to them, at any Period before the Confirmation of the Apportionment of such Rent-charge, that by reason of Fraud, or by the Omission or Insertion through Error of the Tithes or Lands of any Party thereto, or of the Name of any Person, whether as Tithe Owner or Land Owner, who ought, or, as the Case may be, who ought not, to have been Party thereto, or any other manifest Error, that such Agreement or Award would be unjust, and that if such Fraud, Omission, Insertion, or other manifest Error had not occurred the said Commissioners would have come to a different Conclusion in respect of such Agreement or Award, and would have declined to confirm or would have varied the same previous to such Confirmation, it shall be lawful for the said Commissioners, if they shall see fit, and in their sole Discretion, but not otherwise, by a separate Award to rectify such Agreement or Award in any of the Matters aforesaid, in such Manner as to them shall seem just; and all the Provisions and Powers of the recited Acts relating to compulsory Awards shall be applied in every such Case, in respect of the Matter so dealt with, in as full a Manner as if no such Agreement or Award had been made, or as if the same were made in respect of a separate District: Provided always, that in every such separate Award the Matter so dealt with, and the Grounds on which the Commissioners shall have seen fit to make the same, shall be recited or otherwise set forth in the Draft thereof, in addition to the other Particulars required by the said Acts, or any of them, to be set forth in compulsory Awards; and every such Award shall, in the Notice of meeting for hearing Objections thereto, be called a separate Award by way of Supplement to the Parochial Agreement or Award in the Parish to which such separate Award relates.

Power after Award to make Parochial Agreement for Easter Offerings, &c.
6 & 7 W. 4. c. 71.
s. 90.

IX. And be it enacted, That it shall be lawful, at any Time before the Confirmation of any Apportionment after a compulsory Award in any Parish, for the Land Owners and Tithe Owners, having such Interest in the Lands and Tithes of such Parish as is required for the making a Parochial Agreement, to enter into a Parochial Agreement for the Commutation of *Easter Offerings*, *Mortuaries*, or *Surplice Fees*, or of the Tithes of Fish or Fishing, or Mineral Tithes; and all the Provisions, Conditions, Limitations, and Powers of the said recited Acts or any of them, relating to Parochial Agreements, so far as the same shall in the Judgment of the Commissioners be

applicable to the Subject of the proposed Commutation, shall be observed and applied in every such Case as if no previous Award had been made; and every such Agreement may fix the Period at which the Rent-charge to be paid under such Agreement shall commence, but so nevertheless that the same and the subsequent Payments thereof shall be made on some Day fixed for the Payment of the Rent-charge awarded in such Parish, and shall be recoverable from Time to Time by the Means provided in the said Acts or either of them for the Recovery of the Rent-charges in the said Parish.

X. And be it enacted, That it shall be lawful for the Commissioners in any compulsory Award, or by any supplementary Award, in Cases where the Parties shall not have fixed the same by Parochial Agreement, as under the said secondly-recited Act is provided, to fix, or where the Commissioners shall not have so fixed for the Land Owners and Tithe Owners having such an Interest in the Land and Tithes of any Parish as is required for making a Parochial Agreement to enter into a supplementary Agreement for fixing, such Sum as to them respectively shall seem fit to be paid in consideration of the Time (if any) which may intervene between the Termination of any previous Agreement or Composition for the Payment of Tithe and the Time at which the Rent-charge shall commence, either under such compulsory Award or Parochial Agreement where the same shall have been previously made, and also for the said Commissioners by their said Award to fix, or for the Land Owners and Tithe Owners having such Interest in the Lands and Tithes of any Parish as is required for the making a Parochial Agreement, at any Time after such Award, and before the Confirmation of the Apportionment, to enter into a supplementary Agreement for fixing the Period at which the Rent-charge to be paid under such Award shall commence, in like Manner and subject in both Cases to the like Conditions as are provided in the secondly-recited Act, enabling Parties to agree to pay any such Sum, or to fix the Period at which any Rent-charge shall commence.

Power to fix
Commence-
ment of Rent-
charge.

XI. And be it enacted, That where Lands are exempted from the Payment of Tithes, or of Rent-charge instead of Tithes, whilst in the Occupation of the Owner of such Lands, by reason of having been Parcel of the Possessions of any privileged Order, it shall be lawful for the respective Owners of the said Lands and Tithes or Rent-charge, by the Parochial Agreement for the Rent-charge, or by a supplemental Agreement in Cases where the Parochial Agreements or any Award shall have been confirmed by the said Commissioners, to be made in such Form as the Commissioners shall direct or approve, to agree to the Payment, or for the Commissioners in the Case of a compulsory Award, with the Consent of the respective Owners of the said Lands and Tithes, to award the Payment of a fixed and continuing Rent-charge, without regard to the Change of Occupation or Manurance of such Lands, equivalent in Value, according to the Judgment of the Commissioners, to such contingent Rent-charge; and such Lands shall, from the Date of the Confirmation by the Commissioners of such Parochial Agreement or supplemental Agreement or Award, as the Case may be, or from such Date as shall be fixed by the Parties,

Fixed Rent-
charge may be
substituted for
contingent
Rent-charge on
Lands partially
exempt.
6 & 7 W. 4. c. 71.
s. 71.

Parties, with the Approval of the said Commissioners, in any such Agreement or supplemental Agreement, be subject to such fixed Rent-charge instead of the contingent Tithes or Rent-charge to which such Lands were subject previous to such Agreement or supplemental Agreement or Award being made; and every such fixed Rent-charge shall from such Period respectively be paid and recoverable by the Means provided in the said Acts, in like Manner as if the same had been the Rent-charge originally fixed in any Parochial Agreement or Award in respect of the said Tithes.

Provisions of
6 & 7 W. 4. c. 71.
ss. 43. and 71.
for substituting
fixed Rent-
charge extended
to Crown
Lands.

XII. ' And whereas certain Crown Lands, by reason of their being of the Tenure of ancient Demesne or otherwise, are exempted from Payment of Tithes whilst in the Tenure, Occupation, or Manurance of Her Majesty, Her Tenants, Farmers, or Lessees, or their Under-tenants, as the Case may be, but become subject to Tithes when aliened or occupied by Subjects not being Tenants, Farmers, or Lessees of the Crown, and Doubts have arisen how far the Provisions of the said first-recited Act relating to Lands heretofore Parcel of the Possessions of any privileged Order, or in the Nature of Glebe, or otherwise in like Manner privileged and partially exempt, are applicable to such Crown Lands; be it declared and enacted, That all and every the said Provisions of the said first-recited Act do extend to such Crown Lands, and that the Provision lastly in this Act contained for substituting a fixed Rent-charge instead of a contingent Rent-charge on Lands partially exempt from Tithes shall extend and be applicable to such Crown Lands as aforesaid: Provided always, that no such fixed Rent-charge shall be substituted instead of such contingent Rent-charge on such Crown Lands without the Consent of the Persons or Officers who are by the said first-recited Act respectively required to be substituted in Cases of Commutation of Tithes where the Ownership of Lands or Tithes is vested in Her Majesty.

Provision for
Tithes of Lam-
mas Lands, &c.

XIII. ' And whereas large Tracts of Land called Lammas Lands are in the Occupation of certain Persons during a Portion of the Year only, and are liable to the Tithes of the Produce of the said Lands increasing and growing thereon during such Occupation, and at other Portions of the Year are in the Occupation of other Persons, and in their Hands liable to different Kinds of Tithes arising from the Agistment, Produce, or Increase of Cattle or Stock thereon; and by reason of such Change of Occupation such last-mentioned Tithes cannot be commuted for a Rent-charge issuing out of or fixed upon the said Lands, and the said recited Acts are thereby rendered inoperative in the several Parishes where such Lammas Lands lie: And whereas the said Acts are in like Manner inoperative in certain Cases where a personal Right of Commonage, or a Right of Common in gross, is vested in certain Persons by reason of Inhabitaney or Occupation in the Parish where any Common may lie, or by Custom or Vicinage, but without having such Right of Common so annexed or appurtenant to or arising out of or in respect of any Lands on which any Rent-charge could be fixed instead of the Tithes of the Cattle or Stock, or their Produce, Increase, or Agistment, on such Common, annexed to such personal Right; for Remedy thereof be it enacted, That in every Case where by reason of the peculiar
6
Tenure

Tenure of such Lands, and the Change during the Year of the Occupiers thereof, or of such Right of Commonage, a Rent-charge cannot, in the Judgment of the said Commissioners, be fixed on the said Lands in respect of Cattle and Stock received and fed thereon, or of the Produce and Increase of such Cattle and Stock, at such Portion of the Year as the said Lands are thrown open, or where such Right of Commonage alone exists, it shall be lawful for the Parties interested in such Lands or Commons and the Tithes thereof in the Case of a Parochial Agreement, or for the Commissioners in the Case of a compulsory Award, in every such Parochial Agreement or Award respectively, or by any supplemental Agreement in the Nature of a Parochial Agreement, or by a supplemental Award, as the Case may be, where any Parochial Agreement or Award has been already made, to fix a Rent-charge instead of the Tithes of such Lammas Land or Commons to be paid during the separate Occupation thereof by the separate Occupiers, in like Manner as other Rent-charges are fixed by the said Acts or any of them, and to declare in such Agreement or Award, or supplemental Agreement or Award, as the Case may be, such a Sum or Rate *per* Head to be paid for each Head of Cattle or Stock turned on to such Lammas Land or Commons by the Parties entitled to the Occupation thereof after the same shall have been so thrown open, or by the Parties entitled to such Right of Commonage as aforesaid; and every such Sum shall be ascertained and fixed upon a Calculation of the Tithes received in respect of such last-mentioned Occupation or Right for the Period and according to the Provisions for fixing Rent-charges in the said recited Acts, and shall be due and payable by the Owner of such Cattle or Stock on the same being first turned upon such Lands or Commons, and shall be recoverable by the Persons entitled thereto by Distress and impounding of the Cattle or Stock in respect of which such Sum shall be due, in like Manner as Cattle are distrained and impounded for Rent, and be subject to the same Provisions as to Distress and Replevin of the same as are by Law provided in Cases of Distress for Rent: Provided always, that nothing herein contained shall extend to Lammas Lands where no Tithes or Payments instead of Tithes have been taken during the Seven Years ending at *Christmas* One thousand eight hundred and thirty-five in respect of the Cattle or Stock received and fed thereon, or of the Produce and Increase of such Cattle or Stock at such Portion of the Year as the said Lands are thrown open.

XIV. ' And whereas in certain Cases of Commons hereafter to be inclosed Allotments may be made in respect of Tenements and Hereditaments to which a Right of going on such Common is appendant or appurtenant, the Tithes whereof would be chargeable on the Tenements or Hereditaments in respect of which such Allotments may be made, and such Tenements or Hereditaments are not of themselves an adequate Security for the Rent-charge to be fixed in respect of such Tithes; be it therefore declared and enacted, That in every such Case the Rent-charge to be fixed instead of such Tithes shall be a Charge upon and recoverable out of any Allotments to be in future made in respect of such Rights, as well as upon such Tenements or Hereditaments in respect of which such Allotments are made, and by the same

Rent-charge in respect of Tithes of Common appurtenant to be a Charge on the Allotments made in respect of the Lands to which Right of Common attached.

Ways and Means as are provided for the Recovery of Rent-charges by the said Acts or any of them, or this Act.

Recited Acts extended to Collegiate Bodies, &c., notwithstanding restraining Statute.

XV. And be it declared and enacted, That all the Provisions in the recited Acts or any of them in any way relating to or enabling the pulling down or Sale of Barns and Buildings generally used for housing Tithes paid in Kind, and the Sale of the Materials and the Site thereof, either with or without any Farm Buildings or Homesteads thereto belonging, and for the Conveyance and Delivery thereof, and for securing the Consideration Money for the Benefit of the Persons thereunto entitled, shall apply to and may be made available by any Corporate Body or Person, whether as Trustees or otherwise, by any Master and Fellows of any College, Dean and Chapter of any Cathedral or Collegiate Church, Master or Guardian of any Hospital, Parson, Vicar, or any other having any Spiritual or Ecclesiastical Living, being seised or possessed of any such Barns or Buildings, or the Site thereof, notwithstanding any thing in a certain Statute made in the Thirteenth Year of the Reign of Queen *Elizabeth*, for making void fraudulent Deeds made by Spiritual Persons to defeat their Successors of Remedy for Dilapidations, or in any other Statute.

18 Eliz. c. 10.

6 & 7 W. 4. c. 71. s. 77. extended to Corporate and Collegiate Bodies.

XVI. And be it declared and enacted, That so much of the said Acts or any of them as enables any Owner of a particular Estate in Lands or Tithes to charge so much of the Expences of the Commutation as is defrayed by him, or any Part thereof, and the Interest thereon, upon the Lands whereof the Tithes are commuted, or upon the Rent-charge to be received by him instead of such Tithes respectively, shall in like Manner extend and be applicable to and may be made available by any Corporate Body or Person, Master or Fellows of any College, Dean and Chapter of any Cathedral or Collegiate Church, Master or Guardian of any Hospital, Parson, Vicar, or any other having any Spiritual or other Ecclesiastical Living, and whether seised in Fee or for a limited Estate in such Lands, Tithes, or Rent-charge, any thing in the said Statute of Queen *Elizabeth*, or any other restraining Statute, or in the Tenure by which such Lands, Tithes, or Rent-charge respectively are holden, to the contrary notwithstanding, but so nevertheless that the Charge upon such Lands or Rent-charge respectively shall be lessened in every Year following such Commutation by One Twentieth Part at least of the whole original Charge thereon.

Colleges, &c. may charge Expences on other Lands besides those for which Expences are incurred.

XVII. And be it enacted, That it shall be lawful for any Ecclesiastical Corporation Aggregate, or any Collegiate Body, with the Consent of the said Commissioners testified under their Hands and Seal, to charge with the Amount of the Expences of commuting the Tithes of any Lands of which they are Owners, or any Part of such Expences, with Interest thereon, on any other Lands holden by them to the same Uses or on the same Trusts as the Lands in respect of which such Expences were incurred, but so nevertheless that the Charge upon such Lands shall be lessened in every Year following by One Twentieth Part at the least of the whole original Charge thereon.

For Recovery of Expences of Apportionment.

XVIII. And be it enacted, That Payment of the Expences of or incident to making any Apportionment, or any other Expences which the said Commissioners are authorized and may have ordered

or may order to be paid by any Owner of Lands under and by virtue of the recited Acts, or any of them, or this Act, may be enforced by the same Ways and Means as Payment of Rent-charge in arrear may be enforced under the Provisions of the said Acts or either of them.

XIX. And be it enacted, That so much of the said first-recited Act as enables any Land Owner, either by Parochial Agreement or individually, to give Land instead of Tithes or Rent-charge at any Time before the Confirmation of any Instrument of Apportionment, shall be and the same is hereby extended, and the Powers and Provisions for that Purpose may be exercised in every such Case at any Time, as well after as before such Confirmation of the Apportionment as aforesaid, during the Continuance of the Commission constituted and with the Consent of the Commissioners appointed and acting under the said first-recited Act.

Extension of
6 & 7 W. 4. c. 71.
ss. 29. 62. for
giving Land in
lieu of Tithes.

XX. And be it enacted, That in any Case where any Land shall have been or shall hereafter be taken by any Ecclesiastical Tithe Owner under any Agreement for the Commutation of any Tithes, or for giving Land instead of any Rent-charge, under the recited Acts, or any of them, or this Act, such Land shall upon the Confirmation of such Agreement vest absolutely in such Tithe Owner and his Successors, free from all Claims of any Person or Body Corporate, and without being thereafter subject to any Question as to any Right, Title, or Claim thereto, or in any Manner affecting the same; and the Commissioners shall cause to be inserted in or endorsed upon every such Agreement the Amount of the Rent-charge instead of which such Land was given, and the Lands upon which the same was chargeable; and every Person who if this Act had not been made would have been entitled to recover any such Land given instead of Rent-charge, or any Rents or Profits issuing out of such Land, shall be entitled to recover against the Party or Parties giving such Land instead of Tithes or Rent-charge, his, her, or their Heirs, Executors, or Administrators, by way of Damages, in an Action on the Case, such Compensation as he or she may be entitled to for any Loss thereby sustained; and such Damages, and all Costs and Expences awarded to the Plaintiff in such Action, shall forthwith attach upon and be payable out of the Lands exonerated by such Agreement.

Lands taken by
Ecclesiastical
Tithe Owners
instead of Tithes
to vest abso-
lutely in them.

XXI. And be it enacted, That all Agreements and other Assurances which shall be made for the Purpose of effecting the taking of Land instead of Rent-charge under the Provisions of the said recited Acts, or any of them, or this Act, shall be valid and effectual for the Purpose of vesting an Estate of Inheritance as to such Lands in such Ecclesiastical Tithe Owner and his Successors, notwithstanding the same be made by any Corporation Sole or Aggregate, or any Trustees or Feoffees for charitable Purposes, otherwise restrained from or incapable of making any such valid Conveyance or Assurance.

Corporations,
Trustees, and
Feoffees to
charitable Uses
may convey
Lands.

XXII. And be it enacted, That the Provisions and Conditions of the said secondly-recited Act, whereby the said Commissioners are enabled to confirm any Instrument of voluntary Apportionment, although they shall not be satisfied of the Accuracy of any Map or Plan annexed thereto, or that the several Quantities of Land specified in such Apportionment or Agreement are therein truly

Apportion-
ments may be
confirmed
though Com-
missioners not
satisfied of Ac-
curacy of M s.
7 W. 4. &
1 Vict. c.

stated, shall extend to enable the Commissioners, if they shall think fit, to confirm any compulsory Apportionments to which any existing Map or Plan, agreed to be adopted at a Parochial Meeting, shall be annexed, although the said Commissioners shall not be satisfied of the Accuracy of such Map or Plan, or that the several Quantities of Land specified in such Apportionment are truly stated in such Map or Plan.

Expences of Apportionment to be borne in certain Cases as Commissioners may direct.
6 & 7 W. 4. c. 71. ss. 12, 74, 75.

XXIII. 'And whereas in and by the said first-recited Act the Words "Land Owner" or "Tithe Owner," or "Owner of Lands" or "Owner of Tithes," are defined to mean and include every Person who shall be in the actual Possession or Receipt of the Rents or Profits of any Lands or Tithes, except (amongst other Exceptions) any Tenant for Life or Lives, or for Years, holding under a Lease or Agreement for a Lease on which a Rent of not less than Two Thirds of the clear yearly Value of the Premises therein shall have been reserved, and that without regard to the real Amount of Interest of such Person; and in every Case in which any Tithes or Lands shall have been leased or agreed to be leased to any Person for Life or Lives, or for Years, by any Lease or Agreement for a Lease on which a Rent less than Two Thirds of the clear yearly Value of the Premises comprised therein shall have been reserved, the Person in receipt of such Rent shall, jointly with the Person liable to the Payment thereof, be deemed for the Purposes of the said Act to be the Owner of such Tithes or Lands: And whereas certain Allowances and Expences to Surveyors and Tithe Valuers necessary for making any Award, and all other Expences of or incident to making an Award, are by the said recited Acts or some of them directed to be paid by the Land Owners and Tithe Owners interested in the said Award, in such Proportion, Time, and Manner as the Commissioners or Assistant Commissioners shall direct; and the Expences of or incident to making any Apportionment are by the said first-recited Act to be paid by Owners of Lands in rateable Proportions to the Sums charged on the said Lands in lieu of Tithes by such Apportionment: And whereas Cases have occurred and may occur where by reason of the Rent reserved in certain Leases or Agreements for Leases not being less than Two Thirds of the clear yearly Value of the Premises thereby demised or agreed to be demised at the Date or Time of coming into operation of such Leases or Agreements, but which Premises are at the Time of putting in force the Provisions of the said recited Acts of improved yearly Value, so that the Rent originally reserved or agreed for is less than Two Thirds thereof, but by the Operation of the said recited Words, as defined in the said first-recited Act as aforesaid, such Expences, or a Part thereof, would, under the said Acts, be chargeable on the original Lessor or original Lessee, and not on the intermediate or Sub-Lessors or Lessees whose beneficial Interest in the said Lands and Tithes, or Rent-charge in lieu of Tithes, is proposed to be or has been dealt with under the said recited Acts, or some or One of them, or this Act: And whereas certain other Cases have occurred and may occur in which it is expedient that the Commissioners should be empowered to vary and fix the Proportion of the Expences of Apportionment, including therein the Ex-

‘ pences of or incident to the Map or Plan annexed thereto, and the Copies thereof, between the Owners of the Lands affected thereby, as such Owners are defined in the said first-recited Act as aforesaid, and according to such Principles as to the said Commissioners shall seem just and equitable;’ be it therefore declared and enacted, That, notwithstanding any thing in the said Acts or any of them contained, it shall be lawful for the Commissioners, in such Cases as they may deem it just and equitable, to order and direct that such Expences of or incident to any Award, or any Part thereof, shall be borne and paid in such Proportion and Manner, by and amongst the Persons interested in the Lands, Tithes, or Rent-charge respectively dealt with in such Award, and that such Expences of or incident to any Apportionment, or any Part thereof, shall be borne and paid by and amongst the Persons interested in the Lands, in such Proportions and Manner respectively as the said Commissioners shall direct; and such Expences, and every or any Part thereof, shall in every such Case be recoverable in like Manner as Expences, or the Share thereof to be borne by any Person, are or is recoverable under the Provisions of the said first-recited Act or this Act.

XXIV. ‘ And whereas in certain Cases of compulsory Award where Tithes are held by One Tithe Owner in different Rights, or where by reason of Owners of Land having purchased or otherwise acquired such a beneficial Interest in the Tithes arising out of the same, for Life or Lives or for Years, as under the said Provisions of the said first-recited Act requires that such Persons respectively should be dealt with and distinguished in such Award as joint Owners with the Lessor of or the Person having the reversionary Interest in such Tithes, but great Difficulties have arisen in distinguishing the Sums payable to each such Tithe Owner, as also in distinguishing the respective Lands out of which the Tithes accruing to any such Tithe Owner, either as holding such Tithes in different Rights or as joint Tithe Owner, arise, or whereon any several Rent-charge should be awarded, and the Completion of such Award has been thereby impeded;’ be it therefore declared and enacted, That in any such Case it shall not be necessary in any such Award to distinguish the Lands or award a several Rent-charge to each such Owner of the Tithes by Name, or otherwise to distinguish such Tithe Owner, but it shall be sufficient to award a gross Rent-charge to such Owner of Tithes in different Rights in respect of such Tithes so held by him, or, as the Case may be, to the original Lessor of such Tithes, or the Person in whom the ultimate Reversion thereof shall be, by his proper Name and Description, and in any such Case of joint Ownership to the several Persons claiming under him, and being so respectively joint Owners of such Tithes, by such general Terms and Description as to the Commissioners or Assistant Commissioner making such Award shall seem fit: Provided always, that the Name of each such Tithe Owner, and the Lands out of which his respective Tithes, or the Portion of such gross Rent-charge instead of such Tithes, shall respectively accrue or issue, shall be distinguished in the Instrument of Apportionment made in pursuance of such Award; and every such Tithe Owner shall be as fully entitled to take, hold, and recover such Portion of the Rent-

Award may be made of Rent-charge to certain Owners of Tithes by general Description. 6 & 7 W. 4. c. 71. ss. 12. 21. 50.

charge as shall be so apportioned in such Instrument of Apportionment, upon the several Lands the Tithes or Rent-charge whereof are so held by him respectively, according to his respective Term and Interest in such Tithes or the Rent-charge, in as ample a Manner as if such Tithe Owner and Lands had been respectively named and distinguished in such Award under the Provisions of the said first-recited Act.

Commissioners may adjourn Meeting without attending to adjourn.

XXV. And be it enacted, That it shall be lawful for the said Commissioners to adjourn any Meeting by Notice in Writing under their Hands or the Hands of any Two of them, to be affixed and published in manner provided for Notices in the said firstly-recited Act, without any Commissioner or Assistant Commissioner giving Attendance for the Purpose of making such Adjournment.

Provision for dividing the Tithe of Fruit Plantations in certain Cases.

XXVI. And be it enacted, That in case any of the Lands in a Parish the Tithes whereof shall be in course of Commutation under the Provisions of the said first-recited Act shall be Orchards or Fruit Plantations, and Notice in Writing, under the Hands of any of the Owners thereof whose Interest therein shall not be less than Two Thirds of the whole of the Orchards and Fruit Plantations in such Parish, shall be given to the Valuers or Commissioners or Assistant Commissioner by whom any Apportionment provided for by the said Act shall be made at any Time before the Draught of such Apportionment shall be framed that the Tithes thereof should be distinguished into Two Parts, the Amount which shall be charged by any such Apportionment upon the several Orchards and Fruit Plantations in such Parish shall be distinguished into Two Parts accordingly, and the same shall be called the Ordinary Charge and the Extraordinary Fruit Charge; and the Extraordinary Charge shall be a Rate *per* Imperial Acre, and so in proportion for less Quantities of Ground, according to the Discretion of the Valuers or Commissioners or Assistant Commissioner by whom such Apportionment shall be made as aforesaid.

Newly-cultivated Fruit Plantations to be charged an additional Sum.

XXVII. And be it enacted, That all Lands the Tithes whereof shall have been commuted under the said Act, which shall be situate within the Limits of any Parish in which an Extraordinary Fruit Charge shall have been distinguished as aforesaid at the Time of Commutation, and which shall be newly cultivated as Orchards or Fruit Plantations at any Time after such Commutation, shall be charged with an additional Amount of Rent-charge *per* Imperial Acre equal to the Extraordinary Fruit Charge *per* Acre in that Parish: Provided always, that no such additional Amount shall be charged in respect of any Plantation of Apples, Pears, Plums, Cherries, and Filberts, or of any One or more of those Fruits, during the first Five Years, and Half only of such additional Amount during each of the next succeeding Five Years, of such new Cultivation thereof; and that no such additional Amount shall be charged in respect of any Plantation of Gooseberries, Currants, and Raspberries, or of any One or more of those Fruits, during the first Two Years, and Half only of such additional Amount during each of the next succeeding Two Years, of such new Cultivation thereof; and that no such additional Amount shall be charged in respect of any mixed Plantation of Apples, Pears, Plums, Cherries, or Filberts, and of Gooseberries, Currants, or Raspberries during the first Three Years, and Half only of such additional Amount during each

each of the next succeeding Three Years, of such new Cultivation thereof.

XXVIII. And be it enacted, That all Lands the Tithes whereof shall have been commuted as aforesaid, which shall be situated within the Limits of any Parish in which an Extraordinary Fruit Charge shall have been distinguished as aforesaid, and which shall cease to be cultivated as Orchards or Fruit Plantations at any Time after such Commutation, shall be charged, after the Thirty-first Day of *December* next following such Change of Cultivation, only with the ordinary Charge upon such Lands.

Orchards, &c. displantd to be relieved from additional Charge.

XXIX. Provided also, and be it enacted, That in case any Lands within the Limits of a Parish in which an Extraordinary Fruit Charge shall have been distinguished as aforesaid shall have been or shall at any Time be planted with Fruit, and also with Hops, the same shall, during the Continuance of such mixed Plantation of Hops and Fruit, be liable to the Extraordinary Hop Charge only, or to the Extraordinary Fruit Charge only, payable in respect of the same Lands, not to both those Charges; and that the Extraordinary Charge to which the Lands so planted shall be liable shall be the higher of the Two for the Time being.

Provision for mixed Plantations of Hops and Fruit.

XXX. And be it enacted, That where any Land liable to any such extraordinary Charge for the Tithes of a mixed Plantation of Hops and Fruit shall at the Time of the Commutation produce both Rectorial and Vicarial Tithes payable to different Persons the Apportionment shall set out the same, distinguishing the Amount of ordinary and extraordinary Charge payable to each Tithe Owner, and shall divide the whole acreable extraordinary Charge between such Tithe Owners, according to the Quantity of Land producing Rectorial Tithe, and the Quantity producing Vicarial Tithe.

When Land subject to Rectorial and Vicarial Tithes, acreable Rent-charge to be fixed.

XXXI. And be it enacted, That in all Cases in which there shall be hereafter mixed Plantations of Hops and of such Fruit as aforesaid in any Parish or District in which an extraordinary Fruit Charge shall have been declared, the Rectorial and Vicarial Tithes whereof but for the Commutation would have been payable to different Owners, the extraordinary Charge payable in respect of the Tithes of such mixed Plantation shall be divided between such Owners in proportion to the Extent of Land occupied by that Produce which would have paid Tithes to each of them respectively: Provided always, that Payment of the Share of each Tithe Owner, when so ascertained, shall be taken to be subject to the Provisions contained in the said first-recited Act and in this Act, for lessening the Amount of extraordinary Charge payable in respect of Hop Gardens and Orchards respectively at the Beginning of such Cultivation.

Provision for future mixed Plantations.

XXXII. And be it enacted, That for the Purpose of fixing any Charge for the Tithes of Hops or Fruit, or of any mixed Plantation as aforesaid, the Commissioners may, if they see fit, assign the Parish or Lands in respect of which due Notice shall have been given, requiring the Tithes thereof to be separately valued, as required by the said first-recited Act, or any Part or Parts of such Parish or Lands, as a District under the Provisions of the said Act, and may fix a Charge upon such Lands in respect of the Tithes of Hops or Fruit as the Rent-charge to prevail and to be

How the Rent-charge for Hops and Fruit may be fixed in certain Cases.

established in respect of the same, without specific Reference in the Award to any other Parish or Lands, but having regard nevertheless to the general Amount of Compositions which they shall find to have prevailed in other Parishes of a similar Description, and not to the Money Payments in the Parish under Consideration, or the Value of the Tithes in Kind therein.

Provision for giving Effect to Parochial Agreements, and Proceedings thereon in certain Cases of extraordinary Charge.

XXXIII. And be it enacted and declared, That the Provisions of the said first-recited Act for distinguishing Rent-charges apporportioned upon Lands cultivated as Hop Grounds into Two Parts, and for relieving Lands from and subjecting the same to an extraordinary Charge when ceased to be cultivated, and when newly cultivated as such, respectively shall be held to extend to Parochial Agreements already or hereafter made, and to the Proceedings consequent thereupon, and to the Lands discharged from Tithes by virtue thereof; and that every such Agreement and Proceeding, whereby any District has been or shall be assigned for establishing or distinguishing into Two Parts any Rent-charge in respect of Lands cultivated as aforesaid, shall be deemed valid, operative, and effectual for all the Purposes of the said recited Acts and of this Act, and that every District assigned by virtue thereof shall be deemed a District duly assigned, and every Rent-charge created thereby a valid Rent-charge for the like Purposes.

For the Settlement of Disputes as to Boundaries.

XXXIV. And be it enacted, That in case there shall be any Question between any Parishes or Townships, or between any Two or more Land Owners, touching the Boundaries of such Parishes or Townships, or the Lands of such Land Owners respectively, or if such Parishes or Townships or Land Owners shall be desirous of having such Boundaries ascertained or a new Boundary Line defined, it shall be lawful for the said Commissioners, or any Assistant Commissioner, on the Application in Writing of a Majority of not less than Two Thirds in Number and Value of the Land Owners of such Parishes or Townships in the case of Parochial or Township Boundaries, or on the like Application of such Two or more Land Owners in the Case of Boundaries between their Lands, to deal with any Dispute or Question concerning such Boundaries, and to ascertain, adjust, set out, and define the ancient Boundaries between such Parishes or Townships or the Lands of such Land Owners respectively, or draw and define a new Line of Boundary, as they may see fit; and in every such Case the Powers and Provisions of the said recited Acts and of this Act, so far as the same may, in the Judgment of the said Commissioners or Assistant Commissioner respectively, be applicable, shall extend and may be applied by them or him to such Question; and the Boundary Line so ascertained or newly defined by the said Commissioners or Assistant Commissioner shall thenceforward be the Boundary Line of and between such Parishes, Townships, or Lands of such Land Owners respectively for all Purposes whatsoever: Provided always, that nothing in this Provision contained shall extend to any Boundary or Part of a Boundary being also the Boundary Line or Part of the Boundary Line of any County, or to the Boundary Line of any Copyhold or Customary Land, unless the Consent in Writing of the Lord of the Manor whereof such Land is holden to such Application being dealt with by the said Commissioners or Assistant

Assistant Commissioner shall have been first sent to them or him for such Purpose: Provided also, that every such Boundary Line shall be duly set out and delineated on the Map annexed to the Schedule of Appointment, or upon a separate Plan to be attached thereto, with proper Descriptions and References, showing in what respects such Map so annexed to the Apportionment is varied, and in what respect the several Closes whereon any Rent-charge is fixed are affected thereby; and such Map shall in every such Case be deemed to be varied by such Plan, and be as valid for all Purposes as if the same had been originally drawn and sealed or certified by the said Commissioners with such Variation.

XXXV. And be it enacted, That in every Case in which any Judgment or Determination of the Commissioners or of any Assistant Commissioner respecting the Boundary of any Parish, District, or Lands shall have been or shall be removed into the Court of Queen's Bench, it shall be lawful for the Court to direct the Trial of One or more feigned Issues upon such Points as the Court shall think fit, and also to direct who shall be the Plaintiff or Plaintiffs and who shall be the Defendant or Defendants on such Trial, or determine the same in a summary Manner, or otherwise to dispose of the Question or Questions in dispute, and to make such other Rules and Orders therein as to Costs and all other Matters as may appear to be just and reasonable.

XXXVI. And be it enacted, That it shall be lawful for the said Commissioners and for such Assistant Commissioner as aforesaid to order and direct that all reasonable Costs, Charges, and Expences already or hereafter to be incurred by any Parties interested in or about any Inquiry into any Boundary which the said Commissioners or such Assistant Commissioner are or is authorized to settle, shall be borne and paid in such Proportion and Manner by and amongst the several other Parties interested therein (as well those who shall have signed a Request to the Tithe Commissioners that the said Commissioners should inquire into and settle such Boundaries, as every other Person interested who shall, either personally, or by his or her Counsel, Attorney, or Agent, appear upon such Inquiry before the said Commissioners or before such Assistant Commissioner) as the said Commissioners or any such Assistant Commissioner shall direct; and such Costs, Charges, and Expences, and every Part thereof, shall in every such Case be recoverable in the like Manner as Expences or the Share thereof to be borne by any Person are or is recoverable by the recited Acts or this Act.

XXXVII. And be it enacted, That this Act shall be taken to be a Part of the first-recited Act for the Commutation of Tithes in *England* and *Wales*, and of the secondly-recited Act for amending the same, and of the said thirdly-recited Act to facilitate the Merger of Tithes; and that in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the several Words used in this Act shall have and bear the same Interpretation as is given to such Words respectively in the said recited Acts or either of them; and whenever a Word importing the Singular Number or Masculine Gender only is used the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and

How Questions of Boundary removed into Queen's Bench are to be dealt with.

Commissioners may award Costs of Inquiry into Boundaries.

This Act to be taken as Part of 6 & 7 W. 4. c. 71.

Females

Females as well as Males, and several Matters or Things as one Matter or Thing respectively, and the converse.

Act may be amended, &c.

XXXVIII. And be it enacted, That this Act may be amended or repealed by any Act passed in this Session of Parliament.

C A P. LXIII.

An Act to remove Doubts as to the charging the Duty of Excise on Hard Soap, until the Eleventh Day of *October* One thousand eight hundred and forty.

[24th August 1839.]

10 Ann. c. 19.

24 G. S. Sess. 2.
c. 48.

All Hard Soap
to be charged
by Gauge in

‘ WHEREAS by an Act passed in the Tenth Year of the Reign
‘ of Her Majesty Queen *Anne*, intituled *An Act for laying*
‘ *several Duties upon all Sope and Paper made in Great Britain*
‘ *or imported into the same, and upon chequered and striped Linens*
‘ *imported, and upon certain Silks, Callicoes, Linens, and Stuffs*
‘ *printed, painted, or stained, and upon several Kinds of Stamp*
‘ *Vellom, Parchment, and Paper, and upon certain printed Papers,*
‘ *Pamphlets, and Advertisements; for raising the Sum of Eighteen*
‘ *hundred thousand Pounds by way of a Lottery, towards Her*
‘ *Majesty’s Supply; and for licensing an additional Number of*
‘ *Hackney Chairs; and for charging certain Stocks of Cards and*
‘ *Dice; and for better securing Her Majesty’s Duties to arise in the*
‘ *Office for the Stamp Duties by Licences for Marriages and otherwise;*
‘ *and for Relief of Persons who have not claimed their Lottery*
‘ *Tickets in due Time, or have lost Exchequer Bills or Lottery*
‘ *Tickets; and for borrowing Money upon Stock (Part of the Ca-*
‘ *pital of the South Sea Company) for the Use of the Public; and*
‘ by another Act passed in the Twenty-fourth Year of the Reign
‘ of His Majesty King *George the Third*, intituled *An Act for*
‘ *better securing the Duties on Starch and Soap*, the Officers of
‘ Excise were empowered at all Times, upon Request, to enter
‘ into the House, Boiling-house, Warehouse, or other Place what-
‘ soever belonging to or used by any Maker of any Soap whatso-
‘ ever, and by gauging or weighing of the Soap or otherwise, as to
‘ such Officer should seem most proper and convenient, to take
‘ an Account of the just Quantity of Soap which should have
‘ been made by such Maker or Makers of Soap from Time to
‘ Time: And whereas under the said Provision in the said recited
‘ Acts, the Officers of Excise, in charging the Duty of Excise on
‘ Hard Soap, have hitherto been in the Practice of taking the
‘ Account of all Hard Soap by Gauge in the Frames: And
‘ whereas Questions and Doubts have lately been raised whether
‘ the Excise Calculation for such Gauge is correct and legal, and
‘ it is necessary to remove such Doubts, and to determine the
‘ Mode in which the Quantity of Hard Soap to be charged with
‘ Duty shall be ascertained: Be it therefore enacted by the
‘ Queen’s most Excellent Majesty, by and with the Advice and
‘ Consent of the Lords Spiritual and Temporal, and Commons, in
‘ this present Parliament assembled, and by the Authority of the
‘ same, That all Hard Soap made by any Maker of Soap shall be
‘ taken account of and the Quantity thereof ascertained by the
‘ Officer of Excise by Gauge, whilst the same is in the Frame or
‘ Frames,

Frames, immediately on being cleansed, and before being cut up and removed from the Frame or Frames; and the Quantity of Hard Soap so ascertained by Gauge shall be the Quantity charged with Duty.

the Frames as cleansed, and before cut up.

II. And be it enacted, That for the Purpose of calculating the Number of Pounds Weight of Hard Soap by Gauge, Twenty-eight Cubic Inches of such Soap when hot, and Twenty-seven Cubic Inches and Fourteen hundred Parts of a Cubic Inch of such Soap when cold, shall be deemed and taken to be a Pound Weight Avoirdupois of all Hard Soap, of whatever Description, made from the usual Materials of Tallow, Oil, Kitchen Stuff, or other Animal Fish or Vegetable Fat, Tallow, Grease, or Oil, Rosin, and Alkali, or any Mixture thereof; and the Maker of such Hard Soap shall be charged with Duty accordingly.

28 Cubic Inches to be a Pound when hot, and 27 · 14 when cold, of all Hard Soap made from ordinary Materials.

III. And whereas by an Act passed in the Fifth Year of the Reign of His Majesty King George the Third, intituled *An Act for the better securing and further Improvement of the Revenues of Customs, Excise, Inland and Salt Duties; and for encouraging the Linen Manufacture of the Isle of Man, and for allowing the Importation of several Goods the Produce and Manufacture of the said Island, under certain Restrictions and Regulations*, the Officers of Excise were required to allow to the respective Makers of Hard Soap, in their Returns or Reports of the several Quantities of Hard Soap made by such respective Makers of Hard Soap, One Pound in every Ten Pounds which such Officers should charge on the respective Makers thereof; which said Allowance was repealed by an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof*; be it enacted, That from and after the Commencement of this Act the Officers of Excise shall, in taking and making out the Account of and charging the Duty on Mottled Soap, make the said Allowance of One Pound in every Ten Pounds of such Mottled Soap, according to the said Provision in the said recited Act of the Fifth Year of the Reign of His said Majesty King George the Third, which as to Mottled (but no other) Soap is hereby revived.

Officers of Excise in charging Mottled Soap to make the Allowance of 10 per Cent. under 5 G. 3. c. 43.

IV. And be it enacted, That in all Cases where any Maker of Soap shall add to his Hard Soap or manufacture the same with any silicious or earthy or other Matter, Twenty-five Cubic Inches of such Soap when hot, and Twenty-four Cubic Inches and Twenty-three hundred Parts of a Cubic Inch of such Soap when cold, shall be deemed and taken to be a Pound Weight Avoirdupois of such Soap; and the Maker thereof shall be charged with Duty accordingly.

3 & 4 W. 4. c. 16.

What shall be deemed a Pound of Hard Soap when silicious Matter has been added thereto.

V. And be it enacted, That every Maker of Soap shall and he is hereby required, before the Time of cleansing any Hard Soap, to deliver to the Officer of Excise a Declaration in Writing in such Form as shall be directed by the Commissioners of Excise, specifying whether the Soap to be cleansed is Soap made from ordinary Materials, and whether the same is Mottled Soap or not, or whether the same is Soap made with or to which has been or is to be added any silicious or earthy or other Matter; and every Maker

Makers of Soap to deliver a Declaration whether the Soap is made from ordinary Materials, &c.

Maker of Soap who shall make any false or untrue Declaration in such respect shall forfeit One hundred Pounds.

Officers of Excise may take Samples from the Soap.

VI. And be it enacted, That it shall be lawful for any Officer of Excise who shall have gauged or taken account of any Hard Soap to take from each Frame thereof, when cutting up, a Cake or Bar thereof as a Sample or Samples of the Soap in such Frame or Frames, paying for the same, if demanded, Sixpence *per* Pound; and if any Officer of Excise shall be hindered or obstructed in taking any such Sample the Maker of such Soap shall forfeit One hundred Pounds; and if any Hard Soap shall be found, on Examination of the Sample thereof so taken, to be of a greater Specific Gravity than the Gravity of 1.05 within Forty-eight Hours after being cut up, Water being taken as Unity at a Temperature of Sixty-two Degrees, such Soap shall be deemed and taken to be Soap made with or to which has been added silicious or earthy Matter, and liable to be charged with Duty according to the Calculation for the Gauge of such Soap.

What Soap shall not be deemed Mottled Soap, and entitled to the Allowance.

VII. And be it enacted, That no Soap shall be deemed or allowed to be Mottled Soap, and entitled to the said Allowance of One Pound in Ten hereby revived, which shall have remained in the Copper more than Six Hours after the same shall have ceased to boil, or which shall not be cleansed into the Frame within Six Hours after the Delivery of the Declaration hereinbefore required to be given, or which during the Cleanse or when cleansed shall be crutched or have any Liquor or Matter added thereto in the Frame, or which shall not be in all respects such Soap as was commonly known as Mottled Soap before the passing of this Act.

So much of 59 G. 3. c. 90. as relates to Soap Certificates repealed.

VIII. And be it enacted, That so much of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the Prevention of Frauds in the Duties on Soap; for preserving the Books or Papers called Specimens left by Officers of Excise on the Premises of Traders; and for requiring more speedy Payment of the Excise Duties on printed Calicoes*, as requires Makers of Soap to keep Books with printed Forms, and all Soap exceeding Twenty-eight Pounds sent out by any Maker of Soap to be accompanied by a Certificate cut out from such printed Forms, and signed by such Maker of Soap, and all Provisions and Regulations in the said Act contained relating to Soap Certificates, shall be and the same is hereby repealed.

Act not to interfere with any legal Proceedings now pending.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to any Suit, Action, Information, or other Proceeding commenced in any Court before the passing of this Act, and pending and undetermined, but that every such Suit, Action, Information, or Proceeding, and the Matters and Questions in dispute therein, may be proceeded with, determined, and adjudged in the same Manner as if this Act had not been passed.

Act to be in force until 11 Oct. 1840.

X. And be it enacted, That this Act shall continue and be in force until the Eleventh Day of *October* One thousand eight hundred and forty, unless the same shall be sooner altered or repealed.

XI. And

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

C A P. LXIV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain and Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty.

[24th August 1839.]

[*This Act is the same, except as to Dates, as 1 & 2 Vict. c. 91.*]

C A P. LXV.

An Act to amend the Mode of assessing the Rogue Money in *Scotland*, and to extend the Purposes of such Assessment.

[24th August 1839.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the First, intituled *An Act for more effectual disarming the Highlands in that Part of Great Britain called Scotland, and for the better securing the Peace and Quiet of that Part of the Kingdom*, whereby the Freeholders of every Shire, County, or District in *Scotland* were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals: And whereas the Collection and Application of the Fund thereby authorized to be raised, commonly called the "Rogue Money," was, by an Act passed in the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*, transferred from the Freeholders to the Commissioners of Supply: And whereas such Fund has heretofore been raised by Assessment on the valued Rent of Lands and Heritages: And whereas it is expedient to authorize the Commissioners of Supply of the several Counties, if they should think fit, to extend the Purposes for which such Assessment may be made, and to adopt other Means of assessing the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Supply of any County, if they shall so determine, at any Meeting, due Notice having been given by Advertisement in some Newspaper published or usually circulated in such County at least One Month previous to such Meeting by the Clerk of Supply, on Requisition to him to that Effect (stating the Purpose of such Meeting) by not less than Ten of such Commissioners, to make an additional Assessment for

11 G. 1. c. 26.

2 & 3 W. 4. c. 65.

Commissioners of Supply may make an additional Assessment for maintaining a Constabulary Force;

estab-

to be collected
as Part of the
Rogue Money.

Assessments
may be assessed
as the Assess-
ment on land-
ward Parts of
Counties under
the Prisons Bill.
2 & 3 Vict. c. 42.

Burghs having
Police Acts not
to be assessed.

3 & 4 W. 4. c. 46.

Counties may
unite for the
Establishment
of a Police.

Accounts of
Revenue and
Expenditure to
be published.

Summary Mode
of recovering
Assessments.

establishing and maintaining an efficient Constabulary or Police Force in the County for the Prevention of Crime, including any Charge for Special Constables who may have been duly appointed for the Preservation of the Peace in such County; and such additional Assessment shall be deemed and taken to be and shall be levied and collected as Part of the Rogue Money.

II. Provided always, and be it enacted, That it shall be in the Power of the said Commissioners, and they are hereby authorized, if they shall so determine, instead of assessing and collecting the Rogue Money and additional Assessment hereby authorized to be levied in the Way and Manner in which the Rogue Money has heretofore been assessed and collected, to assess and collect the same, and also such additional Assessment, in the Manner in which the Assessment upon the landward Parts of Counties (including *Orkney* and *Shetland*, and *Cromarty* and *Ross*) is authorized to be assessed and collected by an Act passed in the present Session of Parliament, intituled *An Act to improve Prisons and Prison Discipline in Scotland*; and the Rogue Money and additional Assessment to be so assessed and collected shall be applied for the Purposes of the said herein recited Act of His Majesty King *George* the First, and of this Act, and to no other Purpose.

III. Provided also, and be it enacted, That the said Commissioners shall not be entitled, for the Purposes of this Act, to assess any Lands, Houses, or other Heritages situated within the Boundaries of any Royal Burgh, or to assess any Lands, Houses, or other Heritages situated within the Boundaries of any Burgh or Town which either has a Police Act, or which has taken the Benefit of an Act passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Burghs in Scotland to establish a general System of Police*.

IV. And be it enacted, That it shall be lawful to Two or more Counties to unite in taking Measures for establishing such Constabulary or Police Force, for the common Protection and Benefit or Advantage of such Counties, and to defray the Expence attending the same in such Manner as shall be agreed upon between the Commissioners of Supply for such Counties respectively, and to hold all necessary Meetings for such Purpose, due Notice having been given of such Meetings as aforesaid.

V. And be it enacted, That the Commissioners of Supply shall publish Accounts of their Revenue and Expenditure under and for the Purposes of this Act, annually at *Whituesday*, specifying the separate Particulars of Receipt and Expenditure, which shall be printed, and a Copy be furnished to every Commissioner who shall apply therefor, and a Copy thereof shall be transmitted to the Queen's Remembrancer, to be preserved in the Court of Exchequer in *Edinburgh*.

VI. And be it enacted, That the Rogue Money and additional Assessment, if both shall be assessed together, under the Provisions of the said recited Act of the present Session of Parliament, may be levied from the Proprietor and Tenant in manner therein directed; and the whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be

applicable to the Rogue Money and additional Assessment hereby authorized to be assessed and levied, and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery thereof, in the Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

VII. And be it enacted, That any Dispute which may arise between the Commissioners of Supply of any County and any Person or Persons acting under them on the one Part, and any Person aggrieved on the other Part, which it may not be convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sherifdom in which such Dispute shall arise, who shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, when he shall investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review, except in the Case of any Canal or Railway situated in more than One County where the Proprietors, feeling themselves aggrieved by any Decision of the Sheriff, may appeal from the same to the Court of Session.

Dispute as to Assessment to be settled summarily by the Sheriff.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

C A P. LXVI.

An Act to reduce certain of the Duties now payable on Stage Carriages.

[24th August 1839.]

‘ WHEREAS by an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties, under the Management of the Commissioners of Stamps, on Stage Carriages and on Horses let for Hire in Great Britain, and to grant other Duties in lieu thereof, and also to consolidate and amend the Laws relating thereto*, certain Duties contained in Schedule (A.) to the said Act annexed were granted and imposed and are now payable for and in respect of every Mile which a Stage Carriage shall be licensed to travel: And whereas it is expedient to substitute the reduced Duties contained in the Schedule hereunto annexed for and in lieu of the Duties so granted by the said Act as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Sixth Day of *October* One thousand eight hundred and thirty-nine the aforesaid Duties granted by the said recited Act shall be and the same are hereby repealed; and in lieu thereof there shall be raised, levied, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, in and throughout *Great Britain*, for and

2 & 3 W. 4. c. 120.

Recited Duties on Stage Carriages repealed, and reduced Duties granted in lieu thereof.

in

All the Regulations and Penalties respecting the Duties imposed by the recited Act shall apply to the Duties hereby imposed.

in respect of every Mile which any Stage Carriage shall be licensed to travel, the reduced Duties contained in the Schedule to this Act annexed; which said Duties hereby granted shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being, and shall be denominated and deemed to be Stamp Duties; and all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the said recited Act or the Schedule (A.) annexed thereto, or any other Act or Acts relating to Duties of the like Kind, so far as the same are now in force, shall be of full Force and Effect with respect to the Duties by this Act imposed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the said Duties, and otherwise relating thereto, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duties by this Act imposed: Provided always, that nothing herein contained shall extend to repeal any Duties granted by the said recited Act which shall have accrued or been incurred before the Commencement of this Act, but that all such Duties shall be recoverable in like Manner as if this Act had not been passed.

Penalty for marking upon Stage Carriages any Inscription differing from the Licence as to the Number of Passengers authorized to be carried thereby.

II. 'And whereas by the said recited Act it is required that there shall be painted in manner therein mentioned upon every Stage Carriage the greatest Number of Passengers allowed to be carried in or by such Carriage, and also, when such Carriage shall be licensed to carry both Inside and Outside Passengers, the greatest Number of Passengers allowed to be taken in the Inside and on the Outside thereof respectively: And whereas upon some Stage Carriages there are painted several Inscriptions differing from each other as to the Number of Passengers which such Stage Carriage is licensed to carry, and One or more of them differing in that respect from the Licence granted for such Stage Carriage, whereby the Object and Intention of the said last-recited Enactment are defeated, and it is expedient to provide a Remedy for the same;' be it therefore enacted, That if any Stage Carriage shall be used having any Inscription written, painted, or marked thereon importing or signifying, or intended to import or signify, that such Carriage is licensed or authorized to carry or convey thereby, either in the whole or in the Inside or on or about the Outside thereof, any Number of Passengers other than the actual Number which such Carriage is by the Licence relating to the numbered Plate or Plates which shall be fixed or placed upon such Carriage expressly authorized to carry either in the whole or in the Inside or on or about the Outside thereof respectively, the Proprietor of such Carriage shall forfeit for every such Offence the Sum of Five Pounds, to be recovered and applied in like Manner as any Penalty incurred under the said recited Act may be recovered and applied.

The SCHEDULE to which this Act refers;

CONTAINING

The DUTIES payable by virtue of this Act; (that is to say,)

For and in respect of every Mile which any Stage Carriage shall be licensed to travel the several Sums following respectively; (that is to say,)

	Duty per Mile.	
If such Stage Carriage shall be licensed to carry—	s.	d.
Not more than Six Passengers	0	1
More than Six and not more than Ten Passengers	0	1½
More than Ten and not more than Thirteen Passengers	0	2
More than Thirteen and not more than Sixteen Passengers	0	2½
More than Sixteen and not more than Nineteen Passengers	0	3
More than Nineteen and not more than Twenty-two Passengers	0	3½

And if such Stage Carriage shall be licensed to carry more than Twenty-two Passengers, then for every Three additional Passengers exceeding Twenty-two which such Stage Carriage shall be licensed to carry the additional Duty of

0 0½

And where such Excess above Twenty-two shall not be exactly Three or a Multiple of Three, then such additional Duty of One Halfpenny shall be payable also for any Number of such Excess being less than Three, or progressively less than any Multiple of Three, which such Stage Carriage shall be licensed to carry.

C A P. LXVII.

An Act to amend an Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions.*

[24th August 1839.]

‘ WHEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, it is amongst other things enacted, that if any Person having obtained any Letters Patent as therein mentioned shall give Notice as thereby required of his Intention to apply to His Majesty in Council for a Prolongation of his Term of sole using and vending his Invention, and shall petition His Majesty in Council to that Effect, it shall be lawful for any Person to enter a Caveat at the Council Office, and if His Majesty shall refer the Consideration of such Petition to the Judicial Committee of the Privy Council, and Notice shall be first given to any Person or Persons who shall have entered such Caveats, the Petitioner shall be heard by his Counsel and Witnesses to prove his Case, and the Persons entering Caveats shall likewise be heard by

5 & 6 W. 4. c. 83.

' their Counsel and Witnesses, whereupon, and upon hearing and
 ' Inquiry of the whole Matter, the Judicial Committee may report
 ' to His Majesty that a further Extension of the Term in the said
 ' Letters Patent shall be granted, not exceeding Seven Years, and
 ' His Majesty is thereby authorized and empowered, if he shall
 ' think fit, to grant new Letters Patent for the said Invention for a
 ' Term not exceeding Seven Years after the Expiration of the first
 ' Term, any Law, Custom, or Usage to the contrary notwithstanding;
 ' provided that no such Extension shall be granted if the
 ' Application by Petition shall not be made and prosecuted with
 ' Effect before the Expiration of the Term originally granted in
 ' such Letters Patent: And whereas it has happened since the
 ' passing of the said Act, and may again happen, that Parties desirous
 ' of obtaining an Extension of the Term granted in Letters
 ' Patent of which they are possessed, and who may have presented
 ' a Petition for such Purposes in manner by the said recited Act
 ' directed, before the Expiration of the said Term, may nevertheless
 ' be prevented by Causes over which they have no Control
 ' from prosecuting with Effect their Application before the Judicial
 ' Committee of the Privy Council; and it is expedient therefore
 ' that the said Judicial Committee should have Power, when under
 ' the Circumstances of the Case they shall see fit, to entertain such
 ' Application, and to report thereon, according to the Provisions
 ' of the said recited Act, notwithstanding that before the Hearing
 ' of the Case before them the Terms of the Letters Patent sought
 ' to be renewed or extended may have expired: Be it therefore
 ' enacted by the Queen's most Excellent Majesty, by and with the
 ' Advice and Consent of the Lords Spiritual and Temporal, and
 ' Commons, in this present Parliament assembled, and by the Authority
 ' of the same, That so much of the said recited Act as provides that
 ' no Extension of the Term of Letters Patent shall be granted as
 ' therein mentioned if the Application by Petition for such Extension
 ' be not prosecuted with Effect before the Expiration of the Term
 ' originally granted in such Letters Patent, shall be and the same is
 ' hereby repealed.

Repealing Provision requiring the Application by Petition to be prosecuted with Effect before the Expiration of the Term of the Patent.

Term of Patent Right may be extended in certain Cases though the Application for such Extension not prosecuted with Effect before the Expiration thereof.

II. And be it further enacted, That it shall be lawful for the Judicial Committee of the Privy Council, in all Cases where it shall appear to them that any Application for an Extension of the Term granted by any Letters Patent, the Petition for which Extension shall have been referred to them for their Consideration, has not been prosecuted with Effect before the Expiration of the said Term from any other Causes than the Neglect or Default of the Petitioner, to entertain such Application, and to report thereon as by the said recited Act provided, notwithstanding the Term originally granted in such Letters Patent may have expired before the Hearing of such Application; and it shall be lawful for Her Majesty, if She shall think fit, on the Report of the said Judicial Committee recommending an Extension of the Term of such Letters Patent, to grant such Extension, or to grant new Letters Patent for the Invention or Inventions specified in such original Letters Patent, for a Term not exceeding Seven Years after the Expiration of the Term mentioned in the said original Letters Patent: Provided always, that no such Extension or new Letters Patent shall be granted if a Petition for the same shall not have

been presented as by the said recited Act directed before the Expiration of the Term sought to be extended, nor in case of Petitions presented after the Thirtieth Day of *November* One thousand eight hundred and thirty-nine, unless such Petition shall be presented Six Calendar Months at the least before the Expiration of such Term, nor in any Case unless sufficient Reason shall be shown to the Satisfaction of the said Judicial Committee for the Omission to prosecute with Effect the said Application by Petition before the Expiration of the said Term.

III. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session. Act may be amended, &c.

C A P. LXVIII.

An Act to continue, until the Thirty-first Day of *August* One thousand eight hundred and forty, an Act of the First and Second Years of Her present Majesty, relating to legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies. 1 & 2 Vict. c. 96.

[24th *August* 1839.]

C A P. LXIX.

An Act to authorize the Purchase or building of Lodgings for the Judges of Assize on their Circuits.

[24th *August* 1839.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act to provide for improving and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judges Lodgings, throughout England and Wales*, it was amongst other things enacted, that whenever it should appear to the Justices at any General or Quarter Sessions of the Peace to be holden in any County, Riding, or Division, in *England* or *Wales*, by any Presentment to be made by the Grand Jury at any Assizes or Session of Gaol Delivery or Session of the Peace to be holden for any such County, Riding, or Division, or by any Presentment to be at any Time made by any Two or more Justices of the Peace in and for such County, Riding, or Division, and laid before the Justices at any such General or Quarter Sessions of the Peace, that any Lodgings for the Accommodations of His Majesty's Judges of Assize in and for such County, Riding, or Division should be insufficient, inconvenient, deficient, or in want of Repair or Improvement, or that there was a Necessity for the Erection of new Lodgings for His Majesty's Judges of Assize, it should be lawful for the Justices assembled at the General or Quarter Sessions at which such Presentment should be laid before such Justices in manner therein mentioned, to take such Measures, either by Contract or otherwise, as should appear to them to be requisite and proper for the altering, enlarging, repairing, improving, or pulling down of any such Lodgings or any Part thereof, and for the building of any new Lodgings or any Part thereof, in

7 G. 4. c. 63.

stated, shall extend to enable the Commissioners, if they shall think fit, to confirm any compulsory Apportionments to which any existing Map or Plan, agreed to be adopted at a Parochial Meeting, shall be annexed, although the said Commissioners shall not be satisfied of the Accuracy of such Map or Plan, or that the several Quantities of Land specified in such Apportionment are truly stated in such Map or Plan.

Expences of Apportionment to be borne in certain Cases as Commissioners may direct.
6 & 7 W. 4. c. 71.
ss. 12, 74, 75.

XXIII. 'And whereas in and by the said first-recited Act the
' Words " Land Owner" or " Tithe Owner," or " Owner of Lands"
' or " Owner of Tithes," are defined to mean and include every
' Person who shall be in the actual Possession or Receipt of the
' Rents or Profits of any Lands or Tithes, except (amongst other
' Exceptions) any Tenant for Life or Lives, or for Years, holding
' under a Lease or Agreement for a Lease on which a Rent of not
' less than Two Thirds of the clear yearly Value of the Premises
' therein shall have been reserved, and that without regard to the
' real Amount of Interest of such Person; and in every Case in
' which any Tithes or Lands shall have been leased or agreed to
' be leased to any Person for Life or Lives, or for Years, by any
' Lease or Agreement for a Lease on which a Rent less than Two
' Thirds of the clear yearly Value of the Premises comprised
' therein shall have been reserved, the Person in receipt of such
' Rent shall, jointly with the Person liable to the Payment thereof,
' be deemed for the Purposes of the said Act to be the Owner of
' such Tithes or Lands: And whereas certain Allowances and Ex-
' pences to Surveyors and Tithe Valuers necessary for making any
' Award, and all other Expences of or incident to making an
' Award, are by the said recited Acts or some of them directed
' to be paid by the Land Owners and Tithe Owners interested in
' the said Award, in such Proportion, Time, and Manner as the
' Commissioners or Assistant Commissioners shall direct; and the
' Expences of or incident to making any Apportionment are by
' the said first-recited Act to be paid by Owners of Lands in rate-
' able Proportions to the Sums charged on the said Lands in lieu
' of Tithes by such Apportionment: And whereas Cases have oc-
' curred and may occur where by reason of the Rent reserved in
' certain Leases or Agreements for Leases not being less than Two
' Thirds of the clear yearly Value of the Premises thereby de-
' mised or agreed to be demised at the Date or Time of coming
' into operation of such Leases or Agreements, but which Pre-
' mises are at the Time of putting in force the Provisions of the
' said recited Acts of improved yearly Value, so that the Rent
' originally reserved or agreed for is less than Two Thirds thereof,
' but by the Operation of the said recited Words, as defined in
' the said first-recited Act as aforesaid, such Expences, or a Part
' thereof, would, under the said Acts, be chargeable on the original
' Lessor or original Lessee, and not on the intermediate or Sub-
' Lessors or Lessees whose beneficial Interest in the said Lands
' and Tithes, or Rent-charge in lieu of Tithes, is proposed to be
' or has been dealt with under the said recited Acts, or some or
' One of them, or this Act: And whereas certain other Cases have
' occurred and may occur in which it is expedient that the Com-
' missioners should be empowered to vary and fix the Proportion
' of the Expences of Apportionment, including therein the Ex-

‘ pences of or incident to the Map or Plan annexed thereto, and the Copies thereof, between the Owners of the Lands affected thereby, as such Owners are defined in the said first-recited Act as aforesaid, and according to such Principles as to the said Commissioners shall seem just and equitable;’ be it therefore declared and enacted, That, notwithstanding any thing in the said Acts or any of them contained, it shall be lawful for the Commissioners, in such Cases as they may deem it just and equitable, to order and direct that such Expences of or incident to any Award, or any Part thereof, shall be borne and paid in such Proportion and Manner, by and amongst the Persons interested in the Lands, Tithes, or Rent-charge respectively dealt with in such Award, and that such Expences of or incident to any Apportionment, or any Part thereof, shall be borne and paid by and amongst the Persons interested in the Lands, in such Proportions and Manner respectively as the said Commissioners shall direct; and such Expences, and every or any Part thereof, shall in every such Case be recoverable in like Manner as Expences, or the Share thereof to be borne by any Person, are or is recoverable under the Provisions of the said first-recited Act or this Act.

XXIV. ‘ And whereas in certain Cases of compulsory Award where Tithes are held by One Tithe Owner in different Rights, or where by reason of Owners of Land having purchased or otherwise acquired such a beneficial Interest in the Tithes arising out of the same, for Life or Lives or for Years, as under the said Provisions of the said first-recited Act requires that such Persons respectively should be dealt with and distinguished in such Award as joint Owners with the Lessor of or the Person having the reversionary Interest in such Tithes, but great Difficulties have arisen in distinguishing the Sums payable to each such Tithe Owner, as also in distinguishing the respective Lands out of which the Tithes accruing to any such Tithe Owner, either as holding such Tithes in different Rights or as joint Tithe Owner, arise, or whereon any several Rent-charge should be awarded, and the Completion of such Award has been thereby impeded;’ be it therefore declared and enacted, That in any such Case it shall not be necessary in any such Award to distinguish the Lands or award a several Rent-charge to each such Owner of the Tithes by Name, or otherwise to distinguish such Tithe Owner, but it shall be sufficient to award a gross Rent-charge to such Owner of Tithes in different Rights in respect of such Tithes so held by him, or, as the Case may be, to the original Lessor of such Tithes, or the Person in whom the ultimate Reversion thereof shall be, by his proper Name and Description, and in any such Case of joint Ownership to the several Persons claiming under him, and being so respectively joint Owners of such Tithes, by such general Terms and Description as to the Commissioners or Assistant Commissioner making such Award shall seem fit: Provided always, that the Name of each such Tithe Owner, and the Lands out of which his respective Tithes, or the Portion of such gross Rent-charge instead of such Tithes, shall respectively accrue or issue, shall be distinguished in the Instrument of Apportionment made in pursuance of such Award; and every such Tithe Owner shall be as fully entitled to take, hold, and recover such Portion of the Rent-

Award may be made of Rent-charge to certain Owners of Tithes by general Description. 6 & 7 W. 4. c. 71. ss. 12. 21. 50.

Wapping, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, shall be continued, and that the several Persons appointed to execute the Duties of a Justice of the Peace at the said Courts shall continue to execute the same there, and shall be Justices of the Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, and *Hertfordshire*, the City and Liberty of *Westminster*, and the Liberty of the Tower of *London*, and Magistrates of the said Courts, during Her Majesty's Pleasure.

Her Majesty in Council may alter the Number and Situation of the Courts, &c.

II. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to alter the Number of the Police Courts, and to alter the Number of Magistrates appointed to any of the said Courts, and to order such Changes to be made of the Places in which they shall be holden within the Metropolitan Police District, as shall be found expedient; and every such Court shall thenceforth be holden in the Place in or to which it shall be so ordered to be established or removed: Provided always, that there shall not at any Time be more than Twenty-seven such Magistrates.

Vacancies to be supplied by Her Majesty from Barristers.

III. And be it enacted, That to supply such of the present Vacancies and also such other Vacancies among the Magistrates of the said Courts which Her Majesty shall think fit to supply, Her Majesty may appoint a sufficient Number of fit Persons, each of whom shall have practised as a Barrister during at least Seven Years then last past, or who shall have practised as a Barrister for Four Years then last past, having previously practised as a certificated Special Pleader for Three Years below the Bar, to be Magistrates of the said Courts; and any Person so appointed, and also every Magistrate already appointed to the said Courts or Offices, may act as a Justice of the Peace in and for the said Counties and Liberties, although he may not have the Qualification by Estate required of other Justices of the Peace: Provided always, that no Person hereafter to be appointed to be a Magistrate of the said Courts shall act in his Office until he shall have taken and subscribed before some Justice or Baron of One of Her Majesty's Courts of Record at *Westminster* the Oaths taken and subscribed by Justices of the Peace, except the Oath of Qualification.

Magistrates, &c. exempt from serving on Juries.

IV. And be it enacted, That the said Magistrates, and their Clerks, Ushers, Door-keepers, and Messengers, shall be exempt and disqualified from being returned and from serving on any Juries or Inquests whatsoever, and shall not be inserted in any Lists of Men qualified and liable to serve as Jurors.

Appointment of Clerks, Ushers, Door-keepers, and Messengers.

V. And be it enacted, That One of Her Majesty's Principal Secretaries of State shall fix the Number of Clerks, Ushers, Door-keepers, and Messengers to assist in carrying on the Business of each of the said Courts, who shall be appointed, and may be dismissed at Pleasure, by the Secretary of State; and the Clerks now acting at the said several Offices shall be continued the Clerks of the said Courts during the Pleasure of the Secretary of State; and no Person shall hereafter be appointed Chief Clerk in any of the said Courts unless he shall be an Attorney of One of Her Majesty's Superior Courts of Law at *Westminster*, or shall have served as Clerk in One or more of the said Police Courts or Offices, or as Clerk to the Justices of any Division or Special or Petty Session within the Metropolitan Police District, during at least

Seven

Seven Years; and no Clerk in any of the said Courts shall hold or have any other Office or Employment whatsoever, except any Office or Employment to which any such Clerk has been appointed before the passing of this Act with the Sanction of the Secretary of State; and every Usher, Door-keeper, and Messenger appointed to any of the said Courts shall be sworn as a Constable, but shall only be empowered to act as a Constable within the said Courts and the Precincts thereof, unless for the Protection of the Magistrates or of Persons resorting to the Court, or, in case of being sworn in as Special Constables, in any urgent Necessity in which the Services of any One or more of them may be specially required by an Order in Writing from the Secretary of State.

VI. And be it enacted, That none of the said Magistrates, Clerks, Ushers, Door-keepers, or Messengers appointed by virtue of this Act shall, during the Time that he shall continue in his Office respectively, or within Six Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Counties of *Middlesex* or *Surrey*, or for the City of *London*, or for the City and Liberty of *Westminster*, the Borough of the *Tower Hamlets*, the Borough of *Finsbury*, the Borough of *Mary-le-bone*, in the County of *Middlesex*, or for the Borough of *Southwark* or the Borough of *Lambeth* in the County of *Surrey*, or the Borough of *Greenwich* in the County of *Kent* respectively; nor shall he by Word, Message, Writing, or in any other Manner endeavour to persuade any Elector to give or to dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, or Borough; and every such Magistrate, Clerk, Usher, Door-keeper, or Messenger offending therein shall forfeit the Sum of One hundred Pounds, one Moiety thereof to the Infomer, and the other Moiety thereof to the Use of the Poor of the Parish or Place where such Offence shall be committed, to be recovered by any Person that shall sue for the same in any of Her Majesty's Courts of Record at *Westminster* within the Space of One Year after such Offence committed: Provided nevertheless, that nothing in this Act contained shall extend to subject any such Magistrate, Clerk, Usher, Door-keeper, or Messenger to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

VII. And be it enacted, That the Receiver of the Metropolitan Police District for the Time being shall be the Receiver of the said Courts, and shall receive all Fees, Penalties, and Forfeitures and other Monies applicable to the Purposes of this Act, and shall pay quarterly the Salaries, Expences, and Charges attending the said Courts and in carrying this Act into execution, and shall make all such Contracts and Disbursements as shall be necessary for purchasing, hiring, fitting-up, and furnishing fit Buildings and Offices for holding the said Courts, in such Manner as shall be directed by One of Her Majesty's Principal Secretaries of State; and all the Estate, Interest, and Property of and in all Buildings so hired or purchased, and all Buildings already hired or purchased for the like Purposes, and the Fixtures and Furniture thereof, and all other Things needful to be had for the Purposes of this Act, shall be vested in the Receiver for the Time being, who may sell,

No Magistrate or Officer of the Courts to vote at certain Elections.

Receiver of Metropolitan Police to be Receiver under this Act.

assign, and dispose of the same, or any Part thereof, under the like Directions as Need shall be; and the Receiver shall prepare Plans and Estimates of all such Contracts and Disbursements as shall be needed for the Purposes aforesaid, and shall deliver the same to One of Her Majesty's Principal Secretaries of State, and shall further do all such other lawful Matters and Things having relation to the Business of his Office, and towards putting this Act into execution, as from Time to Time shall be directed by One of Her Majesty's Principal Secretaries of State.

Extension of Powers and Duties of Receiver when acting under this Act.

10 G. 4. c. 44.

VIII. And be it enacted, That all the Provisions and Enactments contained in an Act passed in the Tenth Year of the Reign of King *George the Fourth*, intituled *An Act for improving the Police in and near the Metropolis*, relative to the drawing and accounting for Monies which may come into the Hands of the Receiver of the Metropolitan Police District for the Purposes of that Act, and for auditing the Accounts and taking Security from the said Receiver, shall be deemed to extend to the said Receiver in respect to all Monies which he shall receive under this Act, as fully as if the same were herein enacted; and with respect to all the Powers and Liabilities of the said Receiver, or any thing to be done by or any Contract to be entered into with the said Receiver, the Execution of this Act shall be deemed one of the Purposes of the said Act for improving the Police in and near the Metropolis.

Salaries of Magistrates, Receiver, Clerks, and Officers.

IX. And be it enacted, That instead of the Salaries heretofore payable to the said Magistrates, Clerks, and other Officers of the said Courts, and to the Receiver of the Metropolitan Police District, there shall be payable out of the Monies in the Hands of the Receiver such Salaries as Her Majesty shall direct, the Salary to the Chief Magistrate not being more than Twelve hundred Pounds; and to each of the other Magistrates not more than Twelve hundred Pounds; and to the Receiver not more than One thousand Pounds; and to the Chief Clerk in each of the said Courts not more than Five hundred Pounds; and to the Second Clerk in each of the said Courts not more than Three hundred Pounds; and the Salaries to the other Clerks and Officers employed in the said Courts in due Proportion with regard to their several Stations and the Duties they have to perform; and such Salaries shall be paid quarterly, by equal Portions, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, the first Payment to be made on the Quarter Day next after the passing of this Act; and in case of Vacancy in any of the said Offices at any intermediate Time, the Person making the Vacancy, or his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary, according to the Time elapsed between the Vacancy and the last quarterly Payment.

In case of the Establishment of a Civil Court for Recovery of Small Debts, Her Majesty may appoint the Metropo-
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X. And be it enacted, That after the passing of any Act for the Establishment of a Civil Court of summary Jurisdiction for the Recovery of Small Debts within the Metropolitan Police District, or any Part thereof, to be holden before a Judge or Judges to be appointed by Her Majesty, it shall be lawful for Her Majesty to appoint all or any of the said Magistrates to take upon them the Duties of Judge or Judges of such Civil Court; and every Magistrate so appointed shall be bound to discharge the Duties
of

of a Judge of such Court, either exclusively or in conjunction with his Duties as Police Magistrate, in such Manner as Her Majesty shall think fit to direct; and the said Receiver shall be bound to discharge any Duties as Receiver, Treasurer, or Accountant, which by any such Act he may be required to perform in respect of such Civil Court; and no such Magistrate or Receiver shall be therefor entitled to any other or additional Salary than is provided by this Act.

the Duties thereof.

XI. And be it enacted, That it shall be lawful for Her Majesty to direct that such Sum not exceeding in any One Year the Sum of Fifty thousand Pounds, over and above the necessary Disbursements, for purchasing, hiring, repairing, fitting-up, and furnishing the Houses and Buildings wherein the said Police Courts shall be holden, and for defraying the retiring Allowances of such Magistrates as may resign or be superseded under the Provision hereinbefore contained, shall be issued quarterly out of the Consolidated Fund of *Great Britain and Ireland* to the said Receiver, to be by him applied towards defraying the Salaries of the Magistrates, Receiver, Clerks, and other Officers of the said Police Courts, and all Expences of holding the said Courts and putting this Act in execution.

Her Majesty may direct an Issue from the Consolidated Fund towards the Expences of this Act.

XII. And be it enacted, That on every Day, excepting *Sundays, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, One of the said Magistrates shall attend at each of the Police Courts established or to be established within the Metropolitan Police District from Ten of the Clock in the Morning until Five of the Clock in the Afternoon; and every such Magistrate shall attend at such other Times as urgent Necessity may require, or shall be directed by One of Her Majesty's Principal Secretaries of State; and the Secretary of State shall have Power from Time to Time to direct at which Court each of the said Magistrates shall attend.

Time of Attendance of Magistrates.

XIII. And be it enacted, That where by any Law now in being, or by any Act not containing an express Enactment to the contrary hereafter to be made, any Act is directed or authorized to be done by any Justice or Justices of the Peace belonging to any of the said Offices, or by any Justice or Justices residing in or near or next the Parish or Place where any Offence or other Matter cognizable before him or them shall be committed or shall arise, the same Jurisdiction may be exercised by One of the said Magistrates in any of the said Courts.

Acts directed to be done by a neighbouring Justice may be done by any of the said Magistrates.

XIV. And be it enacted, That it shall be lawful for any One of the said Magistrates appointed or hereafter to be appointed to do alone any Act at any of the said Courts, or at any Place where Her Majesty shall order any such Court to be holden within the Limits of the Metropolitan Police District for the Time being, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice: Provided always, that none of the said Magistrates shall be competent to act as a Justice of the Peace, either alone or with any other Justice or Justices, in any thing which is to be done at a Special or Petty Session of all the Justices acting in the Division, or by the Justices

One Magistrate may do any Act directed to be done by more than One Justice.

Except at Petty Sessions.

of

of any of the said Counties or Liberties in Quarter Session assembled.

Magistrates to meet quarterly for reporting to the Secretary of State.

XV. And be it enacted, That the said Magistrates, or so many as may be able to attend, shall meet together once in every Quarter of a Year at such Time and Place as One of Her Majesty's Principal Secretaries of State shall appoint; and the Chief Magistrate shall preside at the said Meetings, or in his Absence such One of the said Magistrates shall preside as shall be chosen by the Magistrates then present; and every one of the Magistrates belonging to the said Police Courts shall furnish for the Use of such Meeting a Report of his Proceedings in the Execution of this Act, and each of the said Magistrates, and also the Commissioners of the Police of the Metropolis, shall furnish a Report of any Matters relating to the Execution of this Act, or to the Police of the Metropolis, which they shall be desirous of bringing under the Notice of the Magistrates assembled at such Meeting; and the Magistrates so assembled shall take every such Report into consideration; and an Abstract shall be made, under the Direction of the Magistrates, of all the said Reports, and also a Report of any Matters which they, or the Majority of them assembled at any such Meeting, shall be desirous of bringing under the Notice of the Secretary of State; and the said Meeting may be adjourned from Time to Time for the Purpose of considering the said Report; and the Abstract and Report, when made, shall be delivered to One of Her Majesty's Principal Secretaries of State.

Secretary of State may make Rules for conducting the Business of the Courts.

XVI. And be it enacted, That the Secretary of State may make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as shall appear to him fit to be made; and a Copy of every Rule made for enforcing any such Regulation, signed by the Secretary of State, shall be sent to each of the said Magistrates, and to the Chief Clerk of each of the said Courts; and every Rule made for such Purpose as aforesaid shall be observed by the Magistrates, Clerks, and Officers of the said Courts; and a Copy of all such Rules shall be laid before both Houses of Parliament within Six Weeks next after the Commencement of each Session of Parliament.

Process in respect of Matters arising within the Metropolitan Police District need not be endorsed.

XVII. And be it enacted, That every Warrant to compel the Appearance of any Person, or Warrant for the Apprehension of any Person charged with any Offence, issued by any of the said Magistrates, in respect of any Matter arising within the Metropolitan Police District, may be served or executed out of the Metropolitan Police District by the Constable or Constables to whom the same shall be directed, and shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed.

Summons for Persons to appear at any Place without the Limits specified in this Act, void.

XVIII. And be it enacted, That every Summons or Warrant which after the passing of this Act shall be issued by any Justice of the Peace of the Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, or *Hertfordshire* respectively, requiring any Person residing within the Metropolitan Police District to appear at any Place without the said District to answer any Information or Complaint touching any Matter arising within the said District, shall be utterly void, except for the Purpose of enforcing Payment of any Rates or Taxes

Taxes levied within any Parish or Place Part only of which is within the Metropolitan Police District.

XIX. And be it enacted, That upon any Information or Complaint to be laid or made before any Magistrate of the said Courts of any Matter which such Magistrate is authorized to hear and determine summarily, the Magistrate may summon the Party charged, and if such Party shall not appear according to the Tenor of the Summons, any One of the said Magistrates, upon Proof of the Service of the Summons, may proceed, in all Cases which are not of a Criminal Nature, if no sufficient Cause shall be shown for the Nonappearance of the Party, to hear and determine the Case in the Absence of the Party, and in all Criminal Cases shall issue his Warrant for apprehending and bringing such Party before him, or some other Magistrate, in order that the said Information or Complaint may be heard and determined.

Magistrates may proceed by Summons, and if Party summoned does not appear may issue Warrant.

XX. And be it enacted, That every such Summons may be served by delivering a Copy of the Summons to the Party, or by delivering a Copy of the Summons to the Wife or Servant or some adult Inmate of the Family of the Party at his usual Place of Abode, and explaining the Purport thereof to such Wife, Servant, or Inmate.

How Summons may be served.

XXI. And be it enacted, That every such Magistrate may, without issuing any Summons, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him whenever good Grounds for so doing shall be stated on Oath before him.

Warrant may be issued without Summons.

XXII. And be it enacted, That any such Magistrate may summon any Witness to appear and give Evidence before him upon the Matter of any Offence cognizable before such Magistrate with which any Person shall be charged before him, at a Time and Place appointed for hearing the Information or Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted; and such Magistrate may commit any Person coming or brought before him, who shall refuse to give Evidence, to any House of Correction within the Metropolitan Police District, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any such Magistrate shall be a sufficient Warrant for the Discharge of such Person.

Magistrates may enforce Attendance of Witnesses.

XXIII. And be it enacted, That every Person who, upon any Examination upon Oath or Affirmation before any Magistrate acting at any One of the said Courts, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear or affirm any thing which shall be false, shall be liable to the Penalties of wilful and corrupt Perjury.

Punishment of Persons giving false Evidence.

XXIV. And be it enacted, That every Person who shall be brought before any of the said Magistrates charged with having in his Possession or conveying in any Manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Magistrate

Persons suspected of having or conveying stolen Goods.

Magistrate

gistrate how he came by the same, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Two Calendar Months.

In case of Information given that there is reasonable Cause for suspecting that any Goods have been unlawfully obtained and are concealed.

XXV. And be it enacted, That if Information shall be given on Oath to any of the said Magistrates that there is reasonable Cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any Dwelling House or any other Place, it shall be lawful for such Magistrate, by Special Warrant under his Hand directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day, or by Night if Power for that Purpose be given by such Warrant; and the said Magistrate, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Magistrate, or to guard the same on the Spot until the Offenders are taken before a Magistrate, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said Magistrate every Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Party from whom stolen Goods are received to be examined by the Magistrate.

XXVI. And be it enacted, That when any Person shall be brought before any such Magistrate charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Magistrate is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Magistrate that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized; and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Three Calendar Months.

Power to order Delivery of Goods stolen or fraudulently

XXVII. And be it enacted, That if any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and

and Complaint shall be made thereof to any of the said Magistrates, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods, within the Metropolitan Police District, it shall be lawful for such Magistrate to issue a Summons or Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Magistrate shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Magistrate's Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

obtained, and in Possession of Brokers and other Dealers in Second-hand Property.

XXVIII. ' And whereas Doubts have arisen whether Goods unlawfully deposited, pledged, pawned, or exchanged may be restored to the Owner in Cases of summary Conviction, or where the Goods are produced without the Issue of any Search Warrant; be it declared and enacted, That it shall be lawful for any Magistrate to order that any Goods unlawfully pawned, pledged, or exchanged which shall be brought before him, and the Ownership of which shall be established to the Satisfaction of such Magistrate, shall be delivered up to the Owner by the Party with whom they were so unlawfully pawned, pledged, or exchanged, either without Compensation, or with such Compensation to the Party in question as the Magistrate may think fit.

For removing Doubts as to ordering the Restoration of Property unlawfully pawned, &c.

XXIX. And be it enacted, That if any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant of a Justice, or in prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Magistrate shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person or Persons to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him, by Action at Law, so that such Action shall be commenced within Six Calendar Months next after such Order shall be made.

Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained, and in Custody of Constable.

XXX. And

Unclaimed
stolen Goods
delivered to the
Receiver may
be sold after
12 Months.

XXX. And be it enacted, That when any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Magistrate to be delivered to the Receiver of the Metropolitan Police Force, it shall be lawful for the Receiver, after the Expiration of Twelve Calendar Months, during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Superannuation Fund of the Police of the Metropolis.

Power to award
Costs on hearing
of Charges.

XXXI. And be it enacted, That it shall be lawful for any Magistrate who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet, to be paid to or by either of the Parties to the said Charge or Complaint.

Amends may be
awarded for
frivolous Inform-
ations.

XXXII. ' And whereas Informations are often laid for the mere Sake of Gain, or by Parties not truly aggrieved, and the Offences charged in such Informations are not further prosecuted, or it appears upon Prosecution that there was no sufficient Ground for making the Charge ;' be it enacted, That in every Case in which any Information or Complaint of any Offence shall be laid or made before any of the said Magistrates, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Magistrate shall have Power to award such Amends, not more than the Sum of Five Pounds, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expences in the Matter, as to the Magistrate shall seem meet.

Penalty on
Common
Informers for
compounding
Informations.

XXXIII. And be it enacted, That in case any Person shall lodge any Information before any of the said Magistrates for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Magistrates, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, it shall be lawful for any One of the said Magistrates to issue his Warrant or Summons, as he may deem best, for bringing before him the Party charged with the Offence of such Compounding, Delay, or Withdrawal ; and if such Offence be proved by the Confession of the Party, or by the Oath of any credible Witness, such Informer shall be liable to a Penalty not more than Ten Pounds.

Power to lessen
the Share of
Informers.

XXXIV. ' And whereas by divers Acts the Moiety or other fixed Portion of the Penalties to be thereby recovered is directed to be adjudged to the Informer, and the same has been found to encourage the corrupt Practices of Common Informers ;' for Prevention thereof be it enacted, That where by any Act now in force or hereafter to be passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any One of the said Magistrates before whom the Conviction shall be had to adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to the Informer.

XXXV. ' And

XXXV. ' And whereas by divers Acts certain limited Penalties or Terms of Imprisonment are imposed for Offences therein mentioned, and sufficient Power is not given to the Justice or Justices before whom the Offender is convicted to reduce or lessen such Penalty or Term of Imprisonment, whereby much Hardship is experienced; be it enacted, That where by any Act now in force or hereafter to be passed a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any One of the said Magistrates before whom such Conviction shall be had to reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit: Provided always, that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, shall be reduced by any such Magistrate below the Amount or Proportion allowed in that Behalf by the Act or Acts specially relating thereunto without the Consent of the Commissioners of Customs or Excise or Stamps and Taxes respectively.

Power to mitigate Penalties.

Proviso as to Revenue Acts.

XXXVI. And be it enacted, That any One of the said Magistrates, if he shall think fit, may remand any Person for further Examination, or may suffer to go at large any Person who shall be charged before him with any Felony or Misdemeanor upon his personal Recognizance (with or without Sureties); and every such Recognizance shall be conditioned for the Appearance of such Person before the same or some other of the said Magistrates, for further Examination, or to surrender himself to take his Trial at the Central Criminal Court, or at a Court of General or Quarter Sessions, at a Day and Place to be therein mentioned; and the Magistrate shall be at liberty from Time to Time to enlarge every such Recognizance to such further Time as he shall appoint; and every such Recognizance which shall not be enlarged shall be discharged, without Fee or Reward, when the Party shall have appeared according to the Condition thereof: Provided always, that whenever any Magistrate shall take the Recognizance of any Person to appear at the Central Criminal Court, or at a Court of General or Quarter Sessions, the Magistrate shall be bound to return the Depositions taken in the Case, and to bind over the Witnesses to appear and give Evidence, in like Manner as if he had committed the Party to take his Trial at such Court.

Power to remand or enlarge Prisoners on Recognizances.

XXXVII. And be it enacted, That all Differences, Complaints, and Disputes which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen (except *Trinity* Ballastmen), Coalwhippers, Coal Porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River *Thames*, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, not being in the City of *London* or the Liberties thereof, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents, or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the same Persons be employed for any certain Time or in any other Manner, may be heard and determined by any of the said Magistrates; and every such Magistrate is hereby empowered to examine upon

Disputes about Wages for Labour done on the River, &c. (except by *Trinity* Ballastmen) to be settled by Magistrates, provided the Sum in question does not exceed 5*l*.

upon Oath any such Labourer as aforesaid, or any other Witness or Witnesses, touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages or Money to such Labourer as to the Magistrate shall seem just, provided that the Sum ordered do not exceed Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint.

Power to order Compensation for wilful Damage by Tenants.

XXXVIII. And be it enacted, That every Person who shall occupy or shall have occupied any House or Lodging within the Metropolitan Police District as Tenant thereof, and who shall wilfully or maliciously do any Damage to the Premises, or to any Furniture thereof not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Magistrates within One Calendar Month next after the Commission of the Offence or the End of the Tenancy or Occupation, forfeit and pay such Sum of Money as shall appear to the Magistrate to be a reasonable Compensation for the Damage done, not more than the Sum of Fifteen Pounds, to be paid to the Landlord or Party aggrieved.

Power to deal summarily with Cases of oppressive Distresses.

XXXIX. And be it enacted, That on Complaint made to any of the said Magistrates by any Person who shall, within the Metropolitan Police District, have occupied any House or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of any Irregularity or Excess in respect of such Distress it shall be lawful for such Magistrate to summon the Party complained against, and if upon the hearing of the Matter it shall appear to the Magistrate that such Distress was improperly taken, or unfairly disposed of, or that the Charges made by the Party having distrained or having attempted to distrain are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be lawful for the Magistrate to order the Distress so taken, if not sold, to be returned to the Tenant on Payment of the Rent which shall appear to be due at such Time as the Magistrate shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Magistrate; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than Fifteen Pounds, such Value to be determined by the Magistrate.

Power to order Delivery of Goods unlawfully detained to the Owner.

XL. And be it enacted, That upon Complaint made to any of the said Magistrates by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Metropolitan Police District, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Magistrate to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof, and if it shall appear to the Magistrate that such Goods have been detained, without just Cause, after due Notice of the Claim made by

by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Magistrate to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Magistrate is hereby authorized to determine), or upon Performance or upon Tender and Refusal of the Performance of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof (the Nature or Amount of which Amends the Magistrate is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of Fifteen Pounds, such Value to be determined by the Magistrate: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited, by Suit or Action at Law, from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

XLl. And be it enacted, That if the Guardians of the Poor of any Union or Parish, or the Churchwardens and Overseers of the Poor of any Parish, within the Metropolitan Police District, together with the Medical Officer for any such Parish or Union, shall be of opinion, and shall certify under the Hands of Two or more of such Guardians, Churchwardens, or Overseers, and also of such Medical Officer, that any House or Part of any House within such Union or Parish is in such filthy and unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, it shall be lawful for any Magistrate acting within the District in which such Union or Parish is situate, if he shall think fit, to cause Notice to be affixed on the Door or other conspicuous Part of such House, requiring the Occupier or Occupiers of such House or Part thereof to appear before him to answer such Complaint, or to cause the same to be cleansed within Seven Days from the Date of affixing such Notice; and if within the said Seven Days such House or Part thereof shall not be cleansed to the Satisfaction of such Medical Officer, and if such Occupier or Occupiers being duly summoned shall not appear before the Magistrate, and show sufficient Cause to the contrary, such Magistrate is hereby empowered, on Proof thereof, to issue an Order under his Hand and Seal to the Guardians of the Poor or the Churchwardens and Overseers aforesaid, to cause such House or Part thereof to be cleansed, at the Expence of such Occupier or Occupiers, and to cause the Amount thereof to be levied, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of such Occupier or Occupiers, by Warrant under the Hand and Seal of such Magistrate.

XLII. And be it enacted, That neither any Justice of the Peace for any of the said Counties, or for the City and Liberty of *Westminster*, or Liberty of the Tower of *London*, not being One of the said Magistrates, nor the Clerk of any such Justice, nor any Person

In case any House be in a filthy and unwholesome Condition, the Magistrate may order the same to be cleansed.

No other Justice than a Police Magistrate shall take Fees within the Police Di

' their Counsel and Witnesses, whereupon, and upon hearing and
 ' Inquiry of the whole Matter, the Judicial Committee may report
 ' to His Majesty that a further Extension of the Term in the said
 ' Letters Patent shall be granted, not exceeding Seven Years, and
 ' His Majesty is thereby authorized and empowered, if he shall
 ' think fit, to grant new Letters Patent for the said Invention for a
 ' Term not exceeding Seven Years after the Expiration of the first
 ' Term, any Law, Custom, or Usage to the contrary notwithstanding
 ' ; provided that no such Extension shall be granted if the
 ' Application by Petition shall not be made and prosecuted with
 ' Effect before the Expiration of the Term originally granted in
 ' such Letters Patent: And whereas it has happened since the
 ' passing of the said Act, and may again happen, that Parties desirous
 ' of obtaining an Extension of the Term granted in Letters
 ' Patent of which they are possessed, and who may have presented
 ' a Petition for such Purposes in manner by the said recited Act
 ' directed, before the Expiration of the said Term, may nevertheless
 ' be prevented by Causes over which they have no Control
 ' from prosecuting with Effect their Application before the Judicial
 ' Committee of the Privy Council; and it is expedient therefore
 ' that the said Judicial Committee should have Power, when under
 ' the Circumstances of the Case they shall see fit, to entertain such
 ' Application, and to report thereon, according to the Provisions
 ' of the said recited Act, notwithstanding that before the Hearing
 ' of the Case before them the Terms of the Letters Patent sought
 ' to be renewed or extended may have expired: Be it therefore
 ' enacted by the Queen's most Excellent Majesty, by and with the
 ' Advice and Consent of the Lords Spiritual and Temporal, and
 ' Commons, in this present Parliament assembled, and by the Authority
 ' of the same, That so much of the said recited Act as provides that
 ' no Extension of the Term of Letters Patent shall be granted as
 ' therein mentioned if the Application by Petition for such Extension
 ' be not prosecuted with Effect before the Expiration of the Term
 ' originally granted in such Letters Patent, shall be and the same is
 ' hereby repealed.

Repealing Provision requiring the Application by Petition to be prosecuted with Effect before the Expiration of the Term of the Patent.

Term of Patent Right may be extended in certain Cases though the Application for such Extension not prosecuted with Effect before the Expiration thereof.

II. And be it further enacted, That it shall be lawful for the Judicial Committee of the Privy Council, in all Cases where it shall appear to them that any Application for an Extension of the Term granted by any Letters Patent, the Petition for which Extension shall have been referred to them for their Consideration, has not been prosecuted with Effect before the Expiration of the said Term from any other Causes than the Neglect or Default of the Petitioner, to entertain such Application, and to report thereon as by the said recited Act provided, notwithstanding the Term originally granted in such Letters Patent may have expired before the Hearing of such Application; and it shall be lawful for Her Majesty, if She shall think fit, on the Report of the said Judicial Committee recommending an Extension of the Term of such Letters Patent, to grant such Extension, or to grant new Letters Patent for the Invention or Inventions specified in such original Letters Patent, for a Term not exceeding Seven Years after the Expiration of the Term mentioned in the said original Letters Patent: Provided always, that no such Extension or new Letters Patent shall be granted if a Petition for the same shall not have

complain, or that the Person detaining such
 Person or Right to detain the same by way of Security
 of Money, or the Performance of any Act by
 thereof, it shall be lawful for such Magistrate to order
 delivered to the Owner thereof, either absolutely
 of the Amount appearing to be due by such Owner
 (the Magistrate is hereby authorized to determine),
 or upon Tender and Refusal of the Perform-
 Metropolitan Police District for the Performance whereof such Goods are
 or if such Act cannot be performed, then
 Amends for Non-performance thereof (the Nature
 which Amends the Magistrate is hereby authorized
 and every Person who shall neglect or refuse to
 according to such Order shall forfeit to the
 the full Value of such Goods, not greater than
 such Value to be determined by the
 provided always, that no such Order shall bar any
 covering Possession of the Goods or Money so
 forfeited, by Suit or Action at Law, from the Person
 such Goods or Money shall come by virtue
 so that such Action be commenced within Six
 months next after such Order shall be made.

That if the Guardians of the Poor of
 Parish, or the Churchwardens and Overseers of the
 Parish, within the Metropolitan Police District, toge-
 Medical Officer for any such Parish or Union, shall
 and shall certify under the Hands of Two or more
 Justices, Churchwardens, or Overseers, and also of such
 that any House or Part of any House within such
 is in such filthy and unwholesome Condition that
 the Inmates or of the Public is thereby affected or
 shall be lawful for any Magistrate acting within the
 such Union or Parish is situate, if he shall think
 fit to be affixed on the Door or other conspicuous
 place, requiring the Occupier or Occupiers of such
 House to appear before him to answer such Com-
 mandment the same to be cleansed within Seven Days
 of affixing such Notice; and if within the said
 House or Part thereof shall not be cleansed to
 the satisfaction of such Medical Officer, and if such Occupier or
 Person duly summoned shall not appear before the
 Magistrate to show sufficient Cause to the contrary, such Magis-
 trate empowered, on Proof thereof, to issue an Order
 under the Hand and Seal to the Guardians of the Poor or the
 Justices and Overseers aforesaid, to cause such House or
 Part thereof to be cleansed, at the Expence of such Occupier or
 Person to cause the Amount thereof to be levied, in case of
 Distress and Sale, of the Goods and Chattels of
 such Occupier or Occupiers, by Warrant under the Hand and Seal
 of such Magistrate.

In case any
 House be in
 a filthy and
 unwholesome
 Condition, the
 Magistrate may
 order the same
 to be cleansed.

That neither any Justice of the Peace
 in any County, or for the City and Liberty of West-
 minster, or the Tower of London, not being One of the
 Justices, nor the Clerk of any such Justice, nor any Person

No other Jus-
 tice than a Po-
 lice Magistrate
 shall take Fees
 within the
 Metropolitan
 Police District.

Enlarging the Powers of recited Act respecting the Purchase of Houses or Buildings for Judges Lodgings.

‘ lieu of any Building, or any Part of any Building, which should be so pulled down: And whereas it is expedient that the Powers given by the said Act should be enlarged, by enabling the Justices to purchase any House or Building to be used as Lodgings for the Judges of Assize, or to purchase any Land, and to cause a House or Building to be erected thereon, to be used as such Lodgings:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon any such Presentment as in the hereinbefore recited Act is mentioned, setting forth that it is expedient to purchase any House or Building to be used wholly or partly as Lodgings for the Judges of Assize, or that it is expedient to purchase any Land for the Purpose of erecting thereon any such House or Building, and to cause any such House or Building to be erected thereon accordingly, all and singular the Powers, Authorities, and Provisions in the said recited Act contained relative to the altering, enlarging, repairing, improving, or pulling down and rebuilding any such Lodgings, and to the raising Money for that Purpose, shall be deemed and taken to apply to and to authorize the Purchase of any House or Buildings to be used wholly or partly as Lodgings for the Judges of Assize or special Commission of Oyer and Terminer and Gaol Delivery, and the Purchase of any Land, and the Erection thereon of any House or Buildings for such Purpose, and the defraying the Expences of any such Purchase or building, and the raising Money for any such Purpose, in the same Way as the Repair and Alteration of any Judges Lodgings are authorized and may be carried into effect under the Provisions of the said recited Act.

Houses, &c. so purchased vested in Trust.

II. And be it enacted, That any House, Building, or Land to be purchased under the Provisions of this Act shall be conveyed to such Person or Persons as the said Justices shall think fit, in Trust for the Purposes aforesaid, in the same Way as in the said recited Act is directed in respect to Land thereby authorized to be purchased.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXX.

An Act to amend an Act of the Ninth Year of King *George* the Fourth, to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto; and to continue the same until the Thirty-first Day of *December* One thousand eight hundred and forty, and thenceforward to the End of the then next Session of Parliament. [24th August 1839.]

9 G. 4. c. 83.

‘ WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act to provide for the Administration of Justice in New South*

‘ South Wales and Van Diemen’s Land, and for the more effectual Government thereof, and for other Purposes relating thereto : And whereas the said Act hath been since continued, and will now shortly expire : And whereas it is expedient further to continue the said Act, with such Amendments as are herein-after mentioned ;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, as herein-after amended, shall continue and be in force until the Thirty-first Day of *December* One thousand eight hundred and forty, and thenceforward to the End of the then next Session of Parliament.

Recited Act further continued.

II. ‘ And whereas by the said recited Act Provision was made for the Administration of Justice within the said Colonies, and for defining the Constitution and Powers of the Courts of Law and Equity therein : And whereas the Provisions of the said Act in that Behalf have, by reason of the Extension of the said Colonies, been found in divers respects inapplicable to the Circumstances of the said Colonies, and to the Wants of the Inhabitants thereof ; but the local Legislatures of the said respective Colonies established under the said recited Act have no Power to repeal or alter any of the before-mentioned Provisions thereof ;’ be it therefore enacted, That it shall be lawful for the local Legislatures of the said respective Colonies, by any Laws or Ordinances to be by them or either of them from Time to Time for that Purpose made in the Manner prescribed by the said recited Act, and subject to the Conditions and Provisions therein contained, to make such Provision as to them may seem meet for the better Administration of Justice, and for defining the Constitution of the Courts of Law and Equity, and of Juries, within the said Colonies respectively, or within any present or future Dependency thereof respectively ; any thing in the said recited Act, or in any Charter of Justice or Order in Council made and issued in pursuance thereof, or in any Law, Statute, or Usage, to the contrary thereof in anywise notwithstanding.

Local Legislatures empowered to make Provision for Administration of Justice.

C A P. LXXI.

An Act for regulating the Police Courts in the Metropolis.

[24th August 1839.]

‘ **W**HEREAS it is expedient to amend the several Acts now in force for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River *Thames* and its Vicinity : Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Police Courts now established under the Names of the Public Office in *Bow Street*, and the Police Offices in the Parishes of *Saint Margaret Westminster*, *Saint James Westminster*, *Saint Mary-le-bone*, *Saint Andrew Holborn*, *Saint Leonard Shoreditch*, *Saint Mary Whitechapel*, and *Saint John*

Continuance of the Police Courts and Police Magistrates.

assign, and dispose of the same, or any Part thereof, under the like Directions as Need shall be ; and the Receiver shall prepare Plans and Estimates of all such Contracts and Disbursements as shall be needed for the Purposes aforesaid, and shall deliver the same to One of Her Majesty's Principal Secretaries of State, and shall further do all such other lawful Matters and Things having relation to the Business of his Office, and towards putting this Act into execution, as from Time to Time shall be directed by One of Her Majesty's Principal Secretaries of State.

Extension of Powers and Duties of Receiver when acting under this Act.
10 G. 4. c. 44.

VIII. And be it enacted, That all the Provisions and Enactments contained in an Act passed in the Tenth Year of the Reign of King George the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, relative to the drawing and accounting for Monies which may come into the Hands of the Receiver of the Metropolitan Police District for the Purposes of that Act, and for auditing the Accounts and taking Security from the said Receiver, shall be deemed to extend to the said Receiver in respect to all Monies which he shall receive under this Act, as fully as if the same were herein enacted ; and with respect to all the Powers and Liabilities of the said Receiver, or any thing to be done by or any Contract to be entered into with the said Receiver, the Execution of this Act shall be deemed one of the Purposes of the said Act for improving the Police in and near the Metropolis.

Salaries of Magistrates, Receiver, Clerks, and Officers.

IX. And be it enacted, That instead of the Salaries heretofore payable to the said Magistrates, Clerks, and other Officers of the said Courts, and to the Receiver of the Metropolitan Police District, there shall be payable out of the Monies in the Hands of the Receiver such Salaries as Her Majesty shall direct, the Salary to the Chief Magistrate not being more than Twelve hundred Pounds ; and to each of the other Magistrates not more than Twelve hundred Pounds ; and to the Receiver not more than One thousand Pounds ; and to the Chief Clerk in each of the said Courts not more than Five hundred Pounds ; and to the Second Clerk in each of the said Courts not more than Three hundred Pounds ; and the Salaries to the other Clerks and Officers employed in the said Courts in due Proportion with regard to their several Stations and the Duties they have to perform ; and such Salaries shall be paid quarterly, by equal Portions, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, the first Payment to be made on the Quarter Day next after the passing of this Act ; and in case of Vacancy in any of the said Offices at any intermediate Time, the Person making the Vacancy, or his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary, according to the Time elapsed between the Vacancy and the last quarterly Payment.

In case of the Establishment of a Civil Court for Recovery of Small Debts, Her Majesty may appoint the Metropolitan Magistrates to take

X. And be it enacted, That after the passing of any Act for the Establishment of a Civil Court of summary Jurisdiction for the Recovery of Small Debts within the Metropolitan Police District, or any Part thereof, to be holden before a Judge or Judges to be appointed by Her Majesty, it shall be lawful for Her Majesty to appoint all or any of the said Magistrates to take upon them the Duties of Judge or Judges of such Civil Court ; and every Magistrate so appointed shall be bound to discharge the Duties of

of a Judge of such Court, either exclusively or in conjunction with his Duties as Police Magistrate, in such Manner as Her Majesty shall think fit to direct; and the said Receiver shall be bound to discharge any Duties as Receiver, Treasurer, or Accountant, which by any such Act he may be required to perform in respect of such Civil Court; and no such Magistrate or Receiver shall be therefor entitled to any other or additional Salary than is provided by this Act.

the Duties thereof.

XI. And be it enacted, That it shall be lawful for Her Majesty to direct that such Sum not exceeding in any One Year the Sum of Fifty thousand Pounds, over and above the necessary Disbursements, for purchasing, hiring, repairing, fitting-up, and furnishing the Houses and Buildings wherein the said Police Courts shall be holden, and for defraying the retiring Allowances of such Magistrates as may resign or be superseded under the Provision hereinbefore contained, shall be issued quarterly out of the Consolidated Fund of *Great Britain and Ireland* to the said Receiver, to be by him applied towards defraying the Salaries of the Magistrates, Receiver, Clerks, and other Officers of the said Police Courts, and all Expences of holding the said Courts and putting this Act in execution.

Her Majesty may direct an Issue from the Consolidated Fund towards the Expences of this Act.

XII. And be it enacted, That on every Day, excepting *Sundays, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving, One of the said Magistrates shall attend at each of the Police Courts established or to be established within the Metropolitan Police District from Ten of the Clock in the Morning until Five of the Clock in the Afternoon; and every such Magistrate shall attend at such other Times as urgent Necessity may require, or shall be directed by One of Her Majesty's Principal Secretaries of State; and the Secretary of State shall have Power from Time to Time to direct at which Court each of the said Magistrates shall attend.

Time of Attendance of Magistrates.

XIII. And be it enacted, That where by any Law now in being, or by any Act not containing an express Enactment to the contrary hereafter to be made, any Act is directed or authorized to be done by any Justice or Justices of the Peace belonging to any of the said Offices, or by any Justice or Justices residing in or near or next the Parish or Place where any Offence or other Matter cognizable before him or them shall be committed or shall arise, the same Jurisdiction may be exercised by One of the said Magistrates in any of the said Courts.

Acts directed to be done by a neighbouring Justice may be done by any of the said Magistrates.

XIV. And be it enacted, That it shall be lawful for any One of the said Magistrates appointed or hereafter to be appointed to do alone any Act at any of the said Courts, or at any Place where Her Majesty shall order any such Court to be holden within the Limits of the Metropolitan Police District for the Time being, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed to be done by more than One Justice: Provided always, that none of the said Magistrates shall be competent to act as a Justice of the Peace, either alone or with any other Justice or Justices, in any thing which is to be done at a Special or Petty Session of all the Justices acting in the Division, or by the Justices

One Magistrate may do any Act directed to be done by more than One Justice.

Except at Petty Sessions.

of

of any of the said Counties or Liberties in Quarter Session assembled.

Magistrates to meet quarterly for reporting to the Secretary of State.

XV. And be it enacted, That the said Magistrates, or so many as may be able to attend, shall meet together once in every Quarter of a Year at such Time and Place as One of Her Majesty's Principal Secretaries of State shall appoint; and the Chief Magistrate shall preside at the said Meetings, or in his Absence such One of the said Magistrates shall preside as shall be chosen by the Magistrates then present; and every one of the Magistrates belonging to the said Police Courts shall furnish for the Use of such Meeting a Report of his Proceedings in the Execution of this Act, and each of the said Magistrates, and also the Commissioners of the Police of the Metropolis, shall furnish a Report of any Matters relating to the Execution of this Act, or to the Police of the Metropolis, which they shall be desirous of bringing under the Notice of the Magistrates assembled at such Meeting; and the Magistrates so assembled shall take every such Report into consideration; and an Abstract shall be made, under the Direction of the Magistrates, of all the said Reports, and also a Report of any Matters which they, or the Majority of them assembled at any such Meeting, shall be desirous of bringing under the Notice of the Secretary of State; and the said Meeting may be adjourned from Time to Time for the Purpose of considering the said Report; and the Abstract and Report, when made, shall be delivered to One of Her Majesty's Principal Secretaries of State.

Secretary of State may make Rules for conducting the Business of the Courts.

XVI. And be it enacted, That the Secretary of State may make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as shall appear to him fit to be made; and a Copy of every Rule made for enforcing any such Regulation, signed by the Secretary of State, shall be sent to each of the said Magistrates, and to the Chief Clerk of each of the said Courts; and every Rule made for such Purpose as aforesaid shall be observed by the Magistrates, Clerks, and Officers of the said Courts; and a Copy of all such Rules shall be laid before both Houses of Parliament within Six Weeks next after the Commencement of each Session of Parliament.

Process in respect of Matters arising within the Metropolitan Police District need not be endorsed.

XVII. And be it enacted, That every Warrant to compel the Appearance of any Person, or Warrant for the Apprehension of any Person charged with any Offence, issued by any of the said Magistrates, in respect of any Matter arising within the Metropolitan Police District, may be served or executed out of the Metropolitan Police District by the Constable or Constables to whom the same shall be directed, and shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed.

Summons for Persons to appear at any Place without the Limits specified in this Act, void.

XVIII. And be it enacted, That every Summons or Warrant which after the passing of this Act shall be issued by any Justice of the Peace of the Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, or *Hertfordshire* respectively, requiring any Person residing within the Metropolitan Police District to appear at any Place without the said District to answer any Information or Complaint touching any Matter arising within the said District, shall be utterly void, except for the Purpose of enforcing Payment of any Rates or Taxes

Taxes levied within any Parish or Place Part only of which is within the Metropolitan Police District.

XIX. And be it enacted, That upon any Information or Complaint to be laid or made before any Magistrate of the said Courts of any Matter which such Magistrate is authorized to hear and determine summarily, the Magistrate may summon the Party charged, and if such Party shall not appear according to the Tenor of the Summons, any One of the said Magistrates, upon Proof of the Service of the Summons, may proceed, in all Cases which are not of a Criminal Nature, if no sufficient Cause shall be shown for the Nonappearance of the Party, to hear and determine the Case in the Absence of the Party, and in all Criminal Cases shall issue his Warrant for apprehending and bringing such Party before him, or some other Magistrate, in order that the said Information or Complaint may be heard and determined.

Magistrates may proceed by Summons, and if Party summoned does not appear may issue Warrant.

XX. And be it enacted, That every such Summons may be served by delivering a Copy of the Summons to the Party, or by delivering a Copy of the Summons to the Wife or Servant or some adult Inmate of the Family of the Party at his usual Place of Abode, and explaining the Purport thereof to such Wife, Servant, or Inmate.

How Summons may be served.

XXI. And be it enacted, That every such Magistrate may, without issuing any Summons, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him whenever good Grounds for so doing shall be stated on Oath before him.

Warrant may be issued without Summons.

XXII. And be it enacted, That any such Magistrate may summon any Witness to appear and give Evidence before him upon the Matter of any Offence cognizable before such Magistrate with which any Person shall be charged before him, at a Time and Place appointed for hearing the Information or Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted; and such Magistrate may commit any Person coming or brought before him, who shall refuse to give Evidence, to any House of Correction within the Metropolitan Police District, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any such Magistrate shall be a sufficient Warrant for the Discharge of such Person.

Magistrates may enforce Attendance of Witnesses.

XXIII. And be it enacted, That every Person who, upon any Examination upon Oath or Affirmation before any Magistrate acting at any One of the said Courts, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear or affirm any thing which shall be false, shall be liable to the Penalties of wilful and corrupt Perjury.

Punishment of Persons giving false Evidence.

XXIV. And be it enacted, That every Person who shall be brought before any of the said Magistrates charged with having in his Possession or conveying in any Manner any thing which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Magistrate

Persons suspected of having or conveying stolen Goods.

gistrate how he came by the same, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Two Calendar Months.

In case of Information given that there is reasonable Cause for suspecting that any Goods have been unlawfully obtained and are concealed.

XXV. And be it enacted, That if Information shall be given on Oath to any of the said Magistrates that there is reasonable Cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any Dwelling House or any other Place, it shall be lawful for such Magistrate, by Special Warrant under his Hand directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day, or by Night if Power for that Purpose be given by such Warrant; and the said Magistrate, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Magistrate, or to guard the same on the Spot until the Offenders are taken before a Magistrate, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said Magistrate every Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Party from whom stolen Goods are received to be examined by the Magistrate.

XXVI. And be it enacted, That when any Person shall be brought before any such Magistrate charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Magistrate is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Magistrate that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized; and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Three Calendar Months.

Power to order Delivery of Goods stolen or fraudulently

XXVII. And be it enacted, That if any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and

and Complaint shall be made thereof to any of the said Magistrates, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods, within the Metropolitan Police District, it shall be lawful for such Magistrate to issue a Summons or Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Magistrate shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Magistrate's Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

obtained, and in Possession of Brokers and other Dealers in Second-hand Property.

XXVIII. ' And whereas Doubts have arisen whether Goods unlawfully deposited, pledged, pawned, or exchanged may be restored to the Owner in Cases of summary Conviction, or where the Goods are produced without the Issue of any Search Warrant; ' be it declared and enacted, That it shall be lawful for any Magistrate to order that any Goods unlawfully pawned, pledged, or exchanged which shall be brought before him, and the Ownership of which shall be established to the Satisfaction of such Magistrate, shall be delivered up to the Owner by the Party with whom they were so unlawfully pawned, pledged, or exchanged, either without Compensation, or with such Compensation to the Party in question as the Magistrate may think fit.

For removing Doubts as to ordering the Restoration of Property unlawfully pawned, &c.

XXIX. And be it enacted, That if any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant of a Justice, or in prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Magistrate shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person or Persons to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him, by Action at Law, so that such Action shall be commenced within Six Calendar Months next after such Order shall be made.

Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained, and in Custody of Constable.

XXX. And

gistrate how he came by the same, shall be deemed guilty of a Misdemeanor, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Two Calendar Months.

In case of Information given that there is reasonable Cause for suspecting that any Goods have been unlawfully obtained and are concealed.

XXV. And be it enacted, That if Information shall be given on Oath to any of the said Magistrates that there is reasonable Cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any Dwelling House or any other Place, it shall be lawful for such Magistrate, by Special Warrant under his Hand directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day, or by Night if Power for that Purpose be given by such Warrant; and the said Magistrate, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Magistrate, or to guard the same on the Spot until the Offenders are taken before a Magistrate, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said Magistrate every Person found in such House or Place who shall appear to have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Party from whom stolen Goods are received to be examined by the Magistrate.

XXVI. And be it enacted, That when any Person shall be brought before any such Magistrate charged with having or conveying any thing stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Magistrate is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Magistrate that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized; and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and shall be liable to a Penalty of not more than Five Pounds, or, in the Discretion of the Magistrate, may be imprisoned in any Gaol or House of Correction within the Metropolitan Police District, with or without hard Labour, for any Time not exceeding Three Calendar Months.

Power to order Delivery of Goods stolen or fraudulently

XXVII. And be it enacted, That if any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and

and Complaint shall be made thereof to any of the said Magistrates, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods, within the Metropolitan Police District, it shall be lawful for such Magistrate to issue a Summons or Warrant for the Appearance of such Broker or Dealer, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Magistrate shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Magistrate: Provided always, that no such Order shall bar any such Broker or Dealer from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Magistrate's Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

obtained, and in Possession of Brokers and other Dealers in Second-hand Property.

XXVIII. ' And whereas Doubts have arisen whether Goods unlawfully deposited, pledged, pawned, or exchanged may be restored to the Owner in Cases of summary Conviction, or where the Goods are produced without the Issue of any Search Warrant; be it declared and enacted, That it shall be lawful for any Magistrate to order that any Goods unlawfully pawned, pledged, or exchanged which shall be brought before him, and the Ownership of which shall be established to the Satisfaction of such Magistrate, shall be delivered up to the Owner by the Party with whom they were so unlawfully pawned, pledged, or exchanged, either without Compensation, or with such Compensation to the Party in question as the Magistrate may think fit.

For removing Doubts as to ordering the Restoration of Property unlawfully pawned, &c.

XXIX. And be it enacted, That if any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant of a Justice, or in prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession as aforesaid shall not be found, or shall have been summarily convicted or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for any Magistrate to make an Order for the Delivery of such Goods or Money to the Party who shall appear to be the rightful Owner thereof, or in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Magistrate shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person or Persons to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him, by Action at Law, so that such Action shall be commenced within Six Calendar Months next after such Order shall be made.

Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained, and in Custody of Constable.

XXX. And

Unclaimed
stolen Goods
delivered to the
Receiver may
be sold after
12 Months.

XXX. And be it enacted, That when any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Magistrate to be delivered to the Receiver of the Metropolitan Police Force, it shall be lawful for the Receiver, after the Expiration of Twelve Calendar Months, during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Superannuation Fund of the Police of the Metropolis.

Power to award
Costs on hearing
of Charges.

XXXI. And be it enacted, That it shall be lawful for any Magistrate who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet, to be paid to or by either of the Parties to the said Charge or Complaint.

Amends may be
awarded for
frivolous Infor-
mations.

XXXII. ' And whereas Informations are often laid for the mere Sake of Gain, or by Parties not truly aggrieved, and the Offences charged in such Informations are not further prosecuted, or it appears upon Prosecution that there was no sufficient Ground for making the Charge;' be it enacted, That in every Case in which any Information or Complaint of any Offence shall be laid or made before any of the said Magistrates, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Magistrate shall have Power to award such Amends, not more than the Sum of Five Pounds, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expences in the Matter, as to the Magistrate shall seem meet.

Penalty on
Common
Informers for
compounding
Informations.

XXXIII. And be it enacted, That in case any Person shall lodge any Information before any of the said Magistrates for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Magistrates, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, it shall be lawful for any One of the said Magistrates to issue his Warrant or Summons, as he may deem best, for bringing before him the Party charged with the Offence of such Compounding, Delay, or Withdrawal; and if such Offence be proved by the Confession of the Party, or by the Oath of any credible Witness, such Informer shall be liable to a Penalty not more than Ten Pounds.

Power to lessen
the Share of
Informers.

XXXIV. ' And whereas by divers Acts the Moiety or other fixed Portion of the Penalties to be thereby recovered is directed to be adjudged to the Informer, and the same has been found to encourage the corrupt Practices of Common Informers;' for Prevention thereof be it enacted, That where by any Act now in force or hereafter to be passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any One of the said Magistrates before whom the Conviction shall be had to adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to the Informer.

XXXV. ' And

XXXV. ' And whereas by divers Acts certain limited Penalties or Terms of Imprisonment are imposed for Offences therein mentioned, and sufficient Power is not given to the Justice or Justices before whom the Offender is convicted to reduce or lessen such Penalty or Term of Imprisonment, whereby much Hardship is experienced; be it enacted, That where by any Act now in force or hereafter to be passed a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any One of the said Magistrates before whom such Conviction shall be had to reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit: Provided always, that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, shall be reduced by any such Magistrate below the Amount or Proportion allowed in that Behalf by the Act or Acts specially relating thereunto without the Consent of the Commissioners of Customs or Excise or Stamps and Taxes respectively.

Power to mitigate Penalties.

Proviso as to Revenue Acts.

XXXVI. And be it enacted, That any One of the said Magistrates, if he shall think fit, may remand any Person for further Examination, or may suffer to go at large any Person who shall be charged before him with any Felony or Misdemeanor upon his personal Recognizance (with or without Sureties); and every such Recognizance shall be conditioned for the Appearance of such Person before the same or some other of the said Magistrates, for further Examination, or to surrender himself to take his Trial at the Central Criminal Court, or at a Court of General or Quarter Sessions, at a Day and Place to be therein mentioned; and the Magistrate shall be at liberty from Time to Time to enlarge every such Recognizance to such further Time as he shall appoint; and every such Recognizance which shall not be enlarged shall be discharged, without Fee or Reward, when the Party shall have appeared according to the Condition thereof: Provided always, that whenever any Magistrate shall take the Recognizance of any Person to appear at the Central Criminal Court, or at a Court of General or Quarter Sessions, the Magistrate shall be bound to return the Depositions taken in the Case, and to bind over the Witnesses to appear and give Evidence, in like Manner as if he had committed the Party to take his Trial at such Court.

Power to remand or enlarge Prisoners on Recognizances.

XXXVII. And be it enacted, That all Differences, Complaints, and Disputes which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen (except *Trinity* Ballastmen), Coal-whippers, Coal Porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River *Thames*, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, not being in the City of *London* or the Liberties thereof, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs or Quays, or their Agents, or other Employers, respecting Wages or Money due to such Labourers for Work or Loss of Time, whether the same Persons be employed for any certain Time or in any other Manner, may be heard and determined by any of the said Magistrates; and every such Magistrate is hereby empowered to examine upon

Disputes about Wages for Labour done on the River, &c. (except by *Trinity* Ballastmen) to be settled by Magistrates, provided the Sum in question does not exceed 5*l*.

upon Oath any such Labourer as aforesaid, or any other Witness or Witnesses, touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages or Money to such Labourer as to the Magistrate shall seem just, provided that the Sum ordered do not exceed Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint.

Power to order Compensation for wilful Damage by Tenants.

XXXVIII. And be it enacted, That every Person who shall occupy or shall have occupied any House or Lodging within the Metropolitan Police District as Tenant thereof, and who shall wilfully or maliciously do any Damage to the Premises, or to any Furniture thereof not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Magistrates within One Calendar Month next after the Commission of the Offence or the End of the Tenancy or Occupation, forfeit and pay such Sum of Money as shall appear to the Magistrate to be a reasonable Compensation for the Damage done, not more than the Sum of Fifteen Pounds, to be paid to the Landlord or Party aggrieved.

Power to deal summarily with Cases of oppressive Distresses.

XXXIX. And be it enacted, That on Complaint made to any of the said Magistrates by any Person who shall, within the Metropolitan Police District, have occupied any House or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of any Irregularity or Excess in respect of such Distress it shall be lawful for such Magistrate to summon the Party complained against, and if upon the hearing of the Matter it shall appear to the Magistrate that such Distress was improperly taken, or unfairly disposed of, or that the Charges made by the Party having distrained or having attempted to distrain are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be lawful for the Magistrate to order the Distress so taken, if not sold, to be returned to the Tenant on Payment of the Rent which shall appear to be due at such Time as the Magistrate shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Magistrate; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than Fifteen Pounds, such Value to be determined by the Magistrate.

Power to order Delivery of Goods unlawfully detained to the Owner.

XL. And be it enacted, That upon Complaint made to any of the said Magistrates by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Metropolitan Police District, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Magistrate to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof, and if it shall appear to the Magistrate that such Goods have been detained, without just Cause, after due Notice of the Claim made by

by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Magistrate to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Magistrate is hereby authorized to determine), or upon Performance or upon Tender and Refusal of the Performance of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof (the Nature or Amount of which Amends the Magistrate is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of Fifteen Pounds, such Value to be determined by the Magistrate: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited, by Suit or Action at Law, from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

XLI. And be it enacted, That if the Guardians of the Poor of any Union or Parish, or the Churchwardens and Overseers of the Poor of any Parish, within the Metropolitan Police District, together with the Medical Officer for any such Parish or Union, shall be of opinion, and shall certify under the Hands of Two or more of such Guardians, Churchwardens, or Overseers, and also of such Medical Officer, that any House or Part of any House within such Union or Parish is in such filthy and unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, it shall be lawful for any Magistrate acting within the District in which such Union or Parish is situate, if he shall think fit, to cause Notice to be affixed on the Door or other conspicuous Part of such House, requiring the Occupier or Occupiers of such House or Part thereof to appear before him to answer such Complaint, or to cause the same to be cleansed within Seven Days from the Date of affixing such Notice; and if within the said Seven Days such House or Part thereof shall not be cleansed to the Satisfaction of such Medical Officer, and if such Occupier or Occupiers being duly summoned shall not appear before the Magistrate, and show sufficient Cause to the contrary, such Magistrate is hereby empowered, on Proof thereof, to issue an Order under his Hand and Seal to the Guardians of the Poor or the Churchwardens and Overseers aforesaid, to cause such House or Part thereof to be cleansed, at the Expence of such Occupier or Occupiers, and to cause the Amount thereof to be levied, in case of Nonpayment, by Distress and Sale, of the Goods and Chattels of such Occupier or Occupiers, by Warrant under the Hand and Seal of such Magistrate.

In case any House be in a filthy and unwholesome Condition, the Magistrate may order the same to be cleansed.

XLII. And be it enacted, That neither any Justice of the Peace for any of the said Counties, or for the City and Liberty of *Westminster*, or Liberty of the Tower of *London*, not being One of the said Magistrates, nor the Clerk of any such Justice, nor any Person

No other Justice than a Police Magistrate shall take Fees within the Police District

Penalty, 100*l*.

on his Behalf, shall directly or indirectly, upon any Pretence whatever, take any Fee or Recompence for any Act by him or them done or to be done as Justice of the Peace or Clerk as aforesaid within any Part of the Metropolitan Police District for which a Police Court shall have been established under the Authority of this Act, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, one Moiety thereof to the said Receiver, to be applied to the Purposes of this Act, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*; but this Enactment shall not be construed to extend to any Fees taken at any General or Quarter Sessions of the Peace, or at any Meeting of Justices for the Purpose of licensing Alehouses, or for the Purpose of inquiring into the legal Settlement of any Person applying for Parochial Relief, and making suspended Orders of Removal, or to any Fees taken at any Special or Petty Sessions of the Justices in respect of Business which must be transacted at such Special or Petty Sessions, or to any Fees taken by any Vestry Clerk, or by the Clerk to the Overseers of any Parish, for the Purpose of enforcing the Payment of any Rates or Taxes arising within the same Parish.

Table of Fees to be hung up.

XLIII. And be it enacted, That, notwithstanding any thing herein-before contained, such Fees as are contained in the Schedule (A.) to this Act annexed may be taken by any of the said Magistrates or by any Justice or Justices acting in any of the said Courts; and a Table of such Fees shall be fixed in some conspicuous Part of each of the said Courts; and it shall be lawful for any of the said Magistrates to refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and that if any such Act shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any of the said Magistrates to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and in default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand.

Proceedings on Information before Magistrates.

XLIV. And be it enacted, That all Offences committed within the Limits of the Metropolitan Police District, which under this or any other Act are punishable on summary Conviction before a Justice or Justices of the Peace, may be heard and determined by any of the said Magistrates sitting at one of the said Police Courts, in a summary Way, within Six Calendar Months at the farthest next after the Commission of such Offence, or within such shorter Time as shall be limited by the Act specifying the Offence, and not afterwards, whether or not any Information in Writing shall have been exhibited or taken by or before such Magistrate; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual as if an Information in Writing had been first exhibited in that Behalf: Provided always, that a Note or Memorandum in Writing, according to a Form to be approved by the Secretary of State, shall be made and kept in the Court of the Substance of every Charge for which a Summons or Warrant shall be issued: Provided also, that the Magistrate, if he shall think fit, may require an Information in Writing to be laid in every Case in which it shall seem to him to be expedient, before the Matter of
the

the Complaint or Charge shall be brought before him; and the Magistrate shall examine into the Matter of every Complaint or Charge brought before him, and if, upon the Confession of the Party accused, or on the Oath of any One or more Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty as to the Magistrate shall seem fit, not more than the greatest Penalty made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Magistrate.

XLV. And be it enacted, That all Penalties, Forfeitures, and other Sums of Money imposed, awarded, or ordered to be paid by any Magistrate continued or appointed under the Authority of this Act, and all Sums of Money which any Person is bound to pay under any Recognizance taken before a Magistrate, and afterwards forfeited, in case of Nonpayment thereof, may be levied with the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand of such Magistrate, and the Overplus (if any) of the Money so raised or recovered, after discharging with Costs the Penalty, Forfeiture, or Sum ordered to be paid, shall be returned, on Demand, to the Party whose Goods and Chattels shall have been distrained; and in case any such Penalty, Forfeiture, or Sum of Money shall not be forthwith paid, it shall be lawful for such Magistrate to order the Party to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Party shall give Security, to the Satisfaction of the Magistrate, for his Appearance at such Place and Time, not being more than Seven Days from the Time of such Detention, as shall be appointed for the Return of the Warrant of Distress, and the Magistrate is hereby empowered to take such Security by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalty, Forfeiture, or Sum of Money, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the Magistrate, upon the Confession of the Party or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Sum of Money could be levied if a Warrant of Distress, should be issued, it shall be lawful for the Magistrate, by Warrant under his Hand, to commit such Party to some Common Gaol or House of Correction within his Jurisdiction, there to remain for any Time not more than One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and not more than Three Calendar Months in any Case, the Imprisonment to cease on Payment of the Sum due.

XLVI. And be it enacted, That the Magistrates at each of the said Courts shall take care that one of their Clerks shall, in Books to be provided for that Purpose, keep a full, true, and particular Account of all Fees taken and received thereat, together with all Penalties and Forfeitures which shall have been recovered, levied, or received in pursuance of any Adjudication, Conviction, or Order had or made thereat, or any Process or Warrant issuing therefrom, to which Books of Account the said Receiver shall at all Times have free Access; and the said Magistrates shall, once in every

Recovery of
Penalties and
Forfeitures.

Accounts to be
kept of Fees
and Forfeitures
received and
delivered quar-
terly to the
Receiver, and
the Amount
thereof paid
to him.

Quarter of a Year, cause to be delivered to the Receiver an Account of all such Sums received, with all proper Vouchers for verifying the same, and shall cause the Amount of all such Sums to be paid to the Receiver, to be applied by him towards the Expences of the said Courts except Fines imposed upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, which shall be applied for the Benefit of "The Police Superannuation Fund," and except also Fees for the Execution of Summonses and Warrants, which shall be applied towards defraying the Charge of maintaining the Police of the Metropolis.

Certain Penalties and Forfeitures recovered to be paid to the Receiver.

XLVII. And be it enacted, That where by any Act or Acts any Penalties or Forfeitures, or Shares of Penalties or Forfeitures, are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act or Acts respectively the same are or shall be limited and made payable to Her Majesty, or to any Body Corporate, or to any Person or Persons whomsoever, save the Informer who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered or adjudged before any of the said Magistrates, shall be recovered for and adjudged to be paid to the said Receiver for the Time being, and not to any other Person; but this Enactment shall not extend to any Penalties or Forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the Direction of the Commissioners of Her Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

Not to extend to Penalties under Revenue Acts.

Forms of Information and Conviction.

XLVIII. And be it enacted, That any Magistrate before whom any Information shall be laid in Writing against any Person, or before whom any Person shall be convicted in respect of any Offence, may cause the Information and the Conviction to be drawn up according to the Forms respectively given in Schedule (B.) to this Act annexed, or any other Forms to the same Effect, as the Case may require: Provided always, that this Enactment shall not invalidate any Information or Conviction laid or drawn in any other Form which may be more specially suited to the Case or may be provided by Law; and in any Information in Writing, and in every Conviction for an Offence contrary to any Statute or Statutes, it shall be sufficient if the Offence shall be stated in the Words of the Statute declaring the Offence or attaching any Penalty thereunto.

Conviction, &c. not to be quashed for Informality, &c.

XLIX. And be it enacted, That no Information, Conviction, or other Proceeding before or by any of the said Magistrates shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, or be removed by Certiorari into Her Majesty's Court of Queen's Bench.

Appeal to Quarter Sessions.

L. And be it enacted, That in every Case of summary Order or Conviction before any of the said Magistrates, in which the Sum or Penalty adjudged to be paid shall be more than Three Pounds, or in which the Penalty adjudged shall be Imprisonment for any Time more than One Calendar Month, any Person who shall think himself aggrieved by the Order or Conviction may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, provided that such Person

at

at the Time of the Order or Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Magistrate by whom such Order or Conviction shall have been made to bind over the Witnesses who shall have been examined, in sufficient Recognizances, to attend and be examined at the Hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound, under the Hand of the Magistrate, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid, in the first instance, by the Treasurer of the County, in like Manner as in Cases of Misdemeanor under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*; and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County by the Appellant.

7 G. 4. c. 64.

LI. And be it enacted, That when any Distress shall be made for any Money to be levied by virtue of the Warrant of any of the said Magistrates, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant of Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Distress not
unlawful for
Want of Form.

LII. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to
recover after
Tender of
Amends.

LIII. And be it enacted, That [no Action, Suit, or Information, or any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Suit, Information, or

Limitation of
Actions.

other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, or unless such Action, Suit, or Information shall be laid and brought in the County of *Middlesex*; and if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff thereon, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs as between Attorney and Client, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

Commence-
ment of Act.
Repeal of
former Acts:
3 & 4 W. 4. c. 19.

7 W. 4. &
1 Vict. c. 37.

LIV. And be it enacted, That this Act shall take effect upon the Day next after the Day of the passing thereof; and that as soon as this Act shall take effect an Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity, for Three Years*; and also an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to continue until the First Day of July One thousand eight hundred and thirty-eight, and from thence until the End of the then next Session of Parliament, an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis*, shall cease and determine, except as to any Offences which may have been committed against any of the said Acts before the Commencement of this Act, and as to any Penalties which may have been incurred under any of the said Acts before the Commencement of this Act, which Offences shall be dealt with and punished, and the Penalties recovered, as if this Act had not been passed, and except also as to any Matters done by any Persons under the Authority of any of the said Acts before the Commencement of this Act, with respect to which every Privilege and Protection given to such Persons by any of the said Acts shall continue in force as if this Act had not been passed.

This Act to be
construed with
10 G. 4. c. 44. and
2 & 3 Vict. c. 47.

LV. And be it enacted, That this Act and an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, and also an Act passed in the present Session of Parliament, intituled *An Act for further improving the Police in and near the Metropolis*, shall be construed together as One Act.

Certain Pro-
visions not to
extend to Cus-
toms, Excise,
Stamps and
Taxes, or Post
Office.

LVI. Provided always, and be it enacted, That in any Proceedings under any Act or Acts relating to the Customs, Excise, Stamps, Taxes, or Post Office, nothing herein contained shall extend to prevent any Penalties awarded by any One of the said Magistrates from being recovered and adjudged to be paid as if this Act had not been passed, or to give any Appeal from any Conviction under any such Act or Acts where such Appeal is not given by the Act or Acts specially relating thereunto.

LVII. And

LVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Table of Fees.

	s.	d.
For every Summons - - - - -	2	0
For every Warrant (except Warrants of Distress) - - - - -	2	0
For backing a Warrant - - - - -	1	0
For every Recognizance to appear before a Magistrate or to take Trial - - - - -	2	6
For every Recognizance to keep the Peace or to be of good Behaviour - - - - -	2	0
For every Supersedeas - - - - -	3	0
For every Warrant of Distress - - - - -	3	0
For every Declaration, except those relating to lost Duplicates of Articles under 20s. and except those made for the Use of Public Offices or Departments or for charitable Purposes - - - - -	1	0

SCHEDULE (B.)

Form of Information.

Metropolitan Po- } BE it remembered, That *A.B.* of
lice District } in the County of _____ cometh on the
to wit. } Day of _____ in the Year of
our Lord _____ before me *J.P.*, One of the Magistrates
of the Police Courts of the Metropolis, sitting at the Police Court
at _____ within the Metropolitan Police District, and
giveth me to understand and be informed that *C.D.* hath been
guilty of [*here describe the Offence*].

Form of Conviction.

Metropolitan Po- } BE it remembered, That on the
lice District } Day of _____ in the Year of our Lord
to wit. } *C.D.* is brought before me *J.P.*,
One of the Police Magistrates of the Metropolis, sitting at the
Police Court in _____ within the Metropolitan Police
District and is charged before me with having [*here describe the Offence*]; and it appearing to me upon the Confession of the said *C.D.* [*or upon the Oath of a credible Witness, as the Case may be,*] that the said *C.D.* is guilty of the said Offence, I do therefore adjudge the said *C.D.* [*insert the Adjudication*].
Given under my Hand the Day and Year first above written.

C A P. LXXII.

An Act for enabling Justices of Assize and Nisi Prius, Oyer and Terminer, and Gaol Delivery, to hold Courts for Counties at large in adjoining Counties of Cities and Towns, and conversely. [24th August 1839.]

‘ **W**HEREAS it would facilitate the Despatch of Business if
 ‘ Her Majesty’s Justices of Assize were authorized to hold
 ‘ the Assizes of and for the Counties at large in *England* and
 ‘ *Wales*, and also of and for any County of a City, County of a
 ‘ Town, Borough, or other Jurisdiction locally situate within or
 ‘ adjacent to such County at large, in any Court House or other
 ‘ Building, whether in or belonging to such County at large, or
 ‘ in or belonging to such County of a City, County of a Town,
 ‘ Borough, or other Jurisdiction, indiscriminately: Be it there-
 ‘ fore enacted by the Queen’s most Excellent Majesty, by and with
 ‘ the Advice and Consent of the Lords Spiritual and Temporal, and
 ‘ Commons, in this present Parliament assembled, and by the Au-
 ‘ thority of the same, That it shall be lawful for Her Majesty’s Jus-
 ‘ tices of Assize, or other Her Majesty’s Commissioners by whom
 ‘ any Court shall be holden by virtue of any of Her Majesty’s Com-
 ‘ missions of Assize or Nisi Prius, Oyer and Terminer, or General
 ‘ Gaol Delivery, to hold such Court for any County at large in
 ‘ *England* and *Wales*, and also for any County of a City, County of
 ‘ a Town, Borough, or other Jurisdiction locally situate within or
 ‘ adjacent to such County at large, in any Court House or other
 ‘ Building, whether in or belonging to such County at large, or
 ‘ in or belonging to any such County of a City, County of a Town,
 ‘ Borough, or other Jurisdiction, indiscriminately, and also from
 ‘ Time to Time, as often as they shall see fit, by Proclamation in
 ‘ open Court, to adjourn any such Court from the Court House or
 ‘ other Building wherein they shall then be holding the same to
 ‘ such other Court House or Building as they may deem conven-
 ‘ nient, whether in and belonging to such County at large, or within
 ‘ and belonging to such County of a City, County of a Town, Bo-
 ‘ rough, or other Jurisdiction locally situate within or adjacent to
 ‘ the same as aforesaid; and all Jurors, Prosecutors, Witnesses, and
 ‘ other Persons who may have been required to appear before the
 ‘ said Justices and Commissioners in any Cause, Criminal or Civil,
 ‘ shall give Attendance before the said Justices and Commissioners
 ‘ wherever the said Court shall be holden as aforesaid, and there
 ‘ shall do all such Things as they ought to have done before and
 ‘ at the Courts holden before such Justices and Commissioners if
 ‘ this Act had not been made, and in default thereof shall be subject
 ‘ to such and the same Penalties and Forfeitures for such their
 ‘ Default; and all Evidence given and all Things done at any such
 ‘ Court shall be deemed, and in all Indictments, Pleadings, Rules,
 ‘ and Entries shall be alleged, to have been given and done respec-
 ‘ tively within the County at large, or within the County of a City,
 ‘ County of a Town, Borough, or other Jurisdiction (as the Case
 ‘ may be) within which such Court would have been holden if this
 ‘ Act had not been made: Provided always, that nothing herein
 ‘ contained shall authorize the holding of any such Court in any
 ‘ Place

Justices of
 Assize may hold
 Courts either in
 Counties at large
 or in adjoining
 Counties of
 Cities or Towns.

Proviso.

Place more than Three Miles distant from the County, City, Town, Borough, or other Jurisdiction for which such Court is holden.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

C A P. LXXIII.

An Act for the Suppression of the Slave Trade.

[24th August 1839.]

WHEREAS it is expedient that Persons employed under the Authority of Her Majesty in the Detention and Seizure of Vessels engaged in the Slave Trade should be indemnified against the Consequences of vexatious Suits and Actions with which they may be harassed: And whereas it is also expedient that Power should be given to the High Court of Admiralty and to Courts of Vice Admiralty to adjudicate upon Vessels and their Cargoes captured for having been engaged in the Slave Trade, and also upon Slaves taken on board thereof: And whereas it is further expedient to extend the Provisions of certain Acts of Parliament which empower Her Majesty to grant Bounties for the Capture of Vessels engaged in the Slave Trade: And whereas Her Majesty has been pleased to issue Orders to Her Cruizers to capture *Portuguese* Vessels engaged in the Slave Trade, and other Vessels engaged in the Slave Trade not being justly entitled to claim the Protection of the Flag of any State or Nation: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Person or Persons in Her Majesty's Service, under any Order or Authority of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral of *Great Britain*, or of any one of Her Majesty's Secretaries of State, to detain, seize, and capture any such Vessels, and the Slaves, if any, found therein, and to bring the same to Adjudication in the High Court of Admiralty of *England*, or in any Vice Admiralty Court within Her Majesty's Dominions, in the same Way as if such Vessels and the Cargoes thereof were the Property of *British* Subjects; and all Persons concerned in or advising the giving of, or giving or issuing, any such Order or Authority, or acting under or in pursuance thereof, or carrying the same into execution, shall be and they are hereby indemnified: Provided always, that no such Court shall proceed to condemn any Vessel, not being *British* or *Portuguese*, the Owners or Master whereof shall establish to the Satisfaction of such Court that they are entitled to claim the Protection of the Flag of a State other than *Great Britain* or *Portugal*.

Authorizing the Seizure of certain Vessels engaged in the Slave Trade, and indemnifying Persons acting under Orders given for that Purpose.

II. And be it enacted, That no Action, Suit, Writ, or Proceeding whatever shall be maintained or maintainable in any Court in the United Kingdom, or in any of Her Majesty's Dominions, Colonies, or Settlements out of the United Kingdom, against any Person acting under such Order or Authority, for or on account of being concerned in any Search, Detention, Seizure, Capture, or

Actions against Persons for seizing Vessels engaged in the Slave Trade not to be maintained.

Con-

Condemnation of any Vessel which shall have been found with Slaves on board, or equipped for the Slave Trade, or in the Arrest or Detention of any Person found on board such Vessel, or for or on account of the Cargo thereof, or any Act, Matter, or Thing done in relation to such Search, Detention, Seizure, Capture, Condemnation, or Arrest.

For Trial of
Vessels engaged
in the Slave
Trade.

III. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Colonies or Dominions of Her Majesty beyond the Seas, to take cognizance of and try any such *Portuguese* Vessel which shall be detained or captured either to the North or to the South of the Equator, under any such Order or Authority, and any Vessel which shall not establish to the Satisfaction of such Court that she is justly entitled to claim the Protection of the Flag of any State or Nation, and to condemn any such Vessel, and adjudge as to the Slaves found therein, in like Manner, and under such and the like Rules and Regulations, as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by British-owned Ships, as fully and effectually, to all Intents and Purposes, as if all the Powers, Authorities, and Provisions contained in such Acts were repeated and re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Circumstances
under which
Vessels are to
be liable to
Seizure.

IV. And be it enacted, That every such Vessel shall be subject to Seizure, Detention, and Condemnation, under any such Order or Authority, if in the Equipment of such Vessel there shall be found any of the Things herein-after mentioned; namely,

First—Hatches with open Gratings, instead of the close Hatches which are usual in Merchant Vessels:

Secondly—Divisions or Bulkheads in the Hold or on Deck more numerous than are necessary for Vessels engaged in lawful Trade:

Thirdly—Spare Plank fitted for being laid down as a Second or Slave Deck:

Fourthly—Shackles, Bolts, or Handcuffs:

Fifthly—A larger Quantity of Water in Casks or in Tanks than is requisite for the Consumption of the Crew of the Vessel as a Merchant Vessel:

Sixthly—An extraordinary Number of Water Casks, or of other Vessels for holding Liquid, unless the Master shall produce a Certificate from the Custom House at the Place from which he cleared outwards, stating that a sufficient Security had been given by the Owners of such Vessel that such extra Quantity of Casks or of other Vessels should only be used for the Reception of Palm Oil, or for other Purposes of lawful Commerce:

Seventhly—A greater Quantity of Mess Tubs or Kids than are requisite for the Use of the Crew of the Vessel as a Merchant Vessel:

Eighthly—A Boiler of an unusual Size, and larger than requisite for the Use of the Crew of the Vessel as a Merchant Vessel, or more than One Boiler of the ordinary Size:

Ninthly—An extraordinary Quantity either of Rice or of the Flour of *Brazil*, Manioc, or Cassada, commonly called *Farinha*,

Farinha, of Maize or of *Indian* Corn, or of any other Article of Food whatever, beyond what might probably be requisite for the Use of the Crew; such Rice, Flour, Maize, *Indian* Corn, or other Article of Food not being entered on the Manifest as Part of the Cargo for Trade :

Tenthly—A Quantity of Mats or Matting larger than is necessary for the Use of the Crew of the Vessel as a Merchant Vessel :

Any One or more of these several Circumstances, if proved, shall be considered as *prima facie* Evidence of the actual Employment of the Vessel in the Transport of Negroes or others, for the Purpose of consigning them to Slavery, and the Vessel and Cargo shall thereupon be condemned to the Crown, unless it be established by satisfactory Evidence on the Part of the Master or Owners, that such Vessel was, at the Time of her Detention or Capture, employed on some legal Pursuit, and that such of the several Things above enumerated as were found on board of such Vessel at the Time of her Detention, or had been put on board on the Voyage on which, when captured, such Vessel was proceeding, were needed for legal Purposes on that particular Voyage.

V. And be it enacted, That any Ship or Vessel which shall be condemned under any such Order or Authority as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral or the Lords Commissioners of the Admiralty shall deem a proper Price for the same, or, if not so taken, shall be broken up and be entirely demolished, and the Materials thereof shall be publicly sold in separate Parts.

VI. And be it enacted, That the several Enactments set forth in an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*; and also in an Act of First of King *William* the Fourth, Chapter Fifty-five, intituled *An Act to reduce the Rate of Bounties payable upon the Seizure of Slaves*; and also in an Act of the First and Second of Her present Majesty, Chapter Forty-seven, intituled *An Act for the better and more effectually carrying into effect the Treaties and Conventions made with Foreign Powers for suppressing the Slave Trade*; relative to Persons giving false Evidence being guilty of Perjury; to maintaining and providing for captured Slaves pending Adjudication; to condemning Slaves as Forfeiture to the Crown; to the Manner of disposing of the Slaves subsequent to Adjudication; to rewarding the Captors with a Bounty on the Vessel as well as on the Slaves; to authorizing the Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to order Payment of One Moiety of the Bounty, where Slaves may not have been condemned or delivered over in consequence of Death, Sickness, or other inevitable Circumstance; to the Mode of obtaining such Bounties; to authorizing the High Court of Admiralty to determine as to doubtful Claims of Bounty, and also on any Question of joint Capture; and to enforcing any Decree or Sentence of any Vice Admiralty Court, shall be applied, *mutatis mutandis*, to Seizures of Vessels under this Act, in like Manner, Form, and Effect as if all the said Matters and Things, and all the

Vessels condemned to be sold for Her Majesty's Service or broken up.

Extending Provisions of 5 G. 4. c. 113. 11 G. 4. & 1 W. 4. c. 55. and 1 & 2 Vict. c. 47. to Vessels seized under this Act.

said

said Powers, and Penalties, Provisions, Enactments, and Clauses, were repeated and set forth, *mutatis mutandis*, in this Act.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXXIV.

An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty George the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty George the Third, for preventing the administering and taking unlawful Oaths in *Ireland*.

[24th August 1839.]

4 G. 4. c. 87.

All Societies of the Nature herein described declared to be unlawful; and all Persons becoming Members thereof, or corresponding therewith, deemed guilty of unlawful Combination.

‘ WHEREAS it is expedient to extend and render more effectual the Provisions of an Act made in the Fourth Year of the Reign of His late Majesty King George the Fourth, intitled *An Act to amend and render more effectual the Provisions of an Act made in the Fiftieth Year of His late Majesty's Reign, for preventing the administering and taking unlawful Oaths in Ireland*; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and thirty-nine any and every Society now established or hereafter to be established in *Ireland*, of the Nature herein-after described, shall be and be deemed and taken to be an unlawful Combination and Confederacy; (that is to say,) any and every Society so constituted that the Members thereof may or shall communicate with, or be known to each other by, or may use for the Purpose of being known as such, any secret Sign or Signs, or Password or Passwords, by way of Question and Answer or otherwise; and any and every Society formed or acting wholly or in part for the Purchase of Arms, or for the Distribution of Arms among the Members thereof, or among any other Persons, by Lot or otherwise, or which shall collect any Funds for any such Purpose, or purchase or procure, or cause to be purchased or procured, any Arms for any such Purpose of Distribution as aforesaid; and every Person who, after the said First Day of *September* in this present Year, shall become a Member of any such Society, or act or assist in or at any Meeting or Proceeding of any such Society, or who, being a Member of any such Society, shall after that Day act as a Member thereof, and every Person who, after that Day, shall, directly or indirectly, knowingly maintain Correspondence or Intercourse with any such Society, or with any Division, President, Treasurer, Secretary, Delegate, or other Officer or Member thereof, as such, or shall make use of any secret Sign or Signs, or Password or Passwords of any such Society as herein-before mentioned, or fitted to be used for or towards the forming of any such Society, or for any Purpose of any such Society whether actually formed or not, or knowingly have in his Possession any Copy, written or printed, of any such Password or Passwords, or other secret Mode of Communication, or of any Oath, Engagement, Test, or Declaration made

use

use of or purporting to be made use of by any such Society, or by any Division of any Society declared to be unlawful by the said Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, and shall not be able satisfactorily to account for the same, shall be deemed guilty of an unlawful Combination and Confederacy, and shall be liable to such and the like Penalties, Proceedings, and Punishment as if he were guilty of an unlawful Combination or Confederacy under the Provisions of the said last-mentioned Act; and every such Offender shall and may be proceeded against and punished in the Manner and according to the Provisions of the said last-mentioned Act, as if he were guilty of an unlawful Combination or Confederacy under such last-mentioned Act; and any Person who shall knowingly permit any Meeting of any Society hereby declared to be an unlawful Combination or Confederacy, or of any Division of any such Society, to be held in his House or Apartment, shall be liable to such and the like Penalties and Punishment as if he knowingly permitted any Meeting of any Society declared by the said Act to be an unlawful Society, or of any Division of any such Society, to be held in his House or Apartment, and shall and may be proceeded against and punished in the Manner and according to the Provisions of the said Act as if he had so knowingly permitted such Meeting to be held; and all the Provisions of the said Act shall and may be put in force and applied accordingly for the Punishment of any such Offender, and of any Person who shall knowingly permit any Meeting of any Society hereby declared to be unlawful, or of any Division of any such Society, to be held in his House or Apartment, and for the Mitigation of such Punishment, and for the Application of Penalties, Limitation of Actions, and other Purposes therein specified, as if the same were repeated and re-enacted in this Act with reference to such Offenders and Persons respectively: Provided always, that nothing herein contained shall extend or apply to any Partners in Trade duly licensed to sell Arms or to keep Arms for Sale, or to any Society or Association formed or acting by the Authority of Her Majesty, or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of the Lieutenant of any County, with the Concurrence or Sanction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

II. ' And whereas certain Societies have been long accustomed to be holden in this Kingdom, under the Denomination of Societies or Lodges of Freemasons, and Societies or Knots of Friendly Brothers of the benevolent Order of *Saint Patrick*, the Meetings whereof have been in great measure directed to charitable Purposes; be it therefore enacted, That nothing in this Act shall extend to the Meetings of any such Society or Lodge which shall before the passing of this Act have been usually holden, or which after the passing of this Act shall, by or from any such Society or Lodge now existing, be formed under the said Denomination, and in conformity to the Rules prevailing among the said Societies of Freemasons or Friendly Brothers: Provided always, that this Exemption shall not extend to any such Society or Lodge unless Two of the Members composing the same shall certify upon Oath, which Oath any Justice of the Peace or other

Not to extend to Freemasons Societies, &c., provided that Two Members thereof certify upon Oath that such Societies have been formed according to the Rules prevailing in those Societies.

Magistrate

Such Certificate to be attested by the Magistrates, and deposited with the Clerk of the Peace.

Name of the Society to be registered with the Clerk of the Peace.

Clerk of the Peace to enrol the Certificate, and make the Registry.

Interpretation Clause.

Magistrate is hereby empowered to administer, that such Society or Lodge has before the passing of this Act been usually held, or if so formed after the passing of this Act has been so formed, under the Denomination of a Lodge of Freemasons or Society of Friendly Brothers of the said Order, and in conformity to the Rules prevailing among the Societies or Lodges of Freemasons or of such Societies of such Friendly Brothers in this Kingdom; which Certificate, duly attested by the Magistrates before whom the same shall be sworn, and subscribed by the Persons so certifying, shall, within the Space of Two Calendar Months after the passing of this Act, or within the Space of Two Calendar Months after such Formation of such Society or Lodge as aforesaid, be deposited with the Clerk of the Peace for the County, Riding, Division, Shire, or Place where such Society or Lodge hath been usually held or shall be so formed: Provided also, that this Exemption shall not extend to any such Society or Lodge, unless the Name or Denomination thereof, and the usual Place or Places, and the Time or Times of its Meetings, and the Names and Descriptions of all and every the Members thereof, be registered with such Clerk of the Peace as aforesaid within such Two Months, and also on or before the Twenty-fifth Day of *March* in every succeeding Year while this Act shall continue in force.

III. And be it enacted, That the Clerk of the Peace, or the Person acting in his Behalf, in any such County, Riding, Division, Shire, or Place, is hereby authorized and required to receive such Certificate, and make such Registry as aforesaid, and to enrol the same among the Records of such County, Riding, Division, Shire, or Place, and to lay the same once in every Year before the General Sessions of the Justices for such County, Riding, Division, Shire, or Place; and that it shall and may be lawful for the said Justices, or for the major Part of them, at any of their General Quarter Sessions, if they shall so think fit, upon Complaint made to them upon Oath of any One or more credible Persons that the Continuance of the Meetings of any such Lodge or Society is likely to be injurious to the public Peace and good Order, to direct that the Meetings of any such Society or Lodge within such County, Riding, Division, Shire, or Place shall from thenceforth be discontinued; and any such Meeting held notwithstanding such Order of Discontinuance, and before the same shall by the like Authority be revoked, shall be deemed an unlawful Combination and Confederacy under the Provisions of this Act.

IV. And be it enacted, That in the Construction of this Act the Word "Society" shall be construed to mean and include Association, Brotherhood, Lodge, Knot, Club, or Confederacy; and the Word "Division" shall be construed to mean and include any Branch, Committee, or other select Body of any such Society; and the Word "County" shall be construed to mean and include any County at large, or County of a City or of a Town, or City or Town and County; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as to One Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; unless there be something in the Subject or Context repugnant to such Construction respectively.

V. And

V. And be it enacted, That this Act shall continue in force for Five Years from the First Day of *September* One thousand eight hundred and thirty-nine, and no longer. Continuance of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

C A P. LXXV.

An Act for the better Regulation of the Constabulary Force in *Ireland*. [24th *August* 1839.]

‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*; and another Act was passed in the same Session amending the said first-mentioned Act: And whereas it is expedient to establish a Reserve Force for the Purpose of speedily reinforcing the said Constabulary Force in Cases of sudden and extraordinary Emergency; and it is also expedient to make Provision for the better Training and Regulation of the said Constabulary Force;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in addition to the Chief and other Constables and Sub-Constables whom the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may be authorized to appoint under the said recited Acts, in and for the several Counties, Counties of Cities, and Counties of Towns, and in and for the several Baronies, Half Baronies, and other Divisions of Baronies in Counties at large throughout *Ireland*, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors to appoint Two Chief Constables (to be styled Sub-Inspectors, as herein-after mentioned), Four Head Constables, and any Number not exceeding in the whole Two hundred Constables and Sub-Constables, who shall constitute a Reserve Force to be kept in a Depôt to be for that Purpose provided in or near the City of *Dublin*, and employed as Occasion may require in aid of and in conjunction with the said Constabulary Force established in and for the said several Counties and Places throughout *Ireland*. Lord Lieutenant enabled to form a Reserve Force.

II. And be it enacted, That it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors to nominate and appoint a Surgeon, being a Member of One of the Royal Colleges of Surgeons or a Medical Officer on the Half Pay of the Navy or Army, to the said Depôt, who shall be charged with the general Care and Superintendance of the Health of the Officers and Men belonging to the said Reserve Force, and also with the Examination, Care, and Superintendance of the Health of all such Officers and Men belonging to the said Constabulary Force as may at any Time, under the Provision herein-after contained, be placed in the said Depôt, and with all such other Medical or Surgical Duties in respect of the said Reserve or Constabulary Force, to be performed either in *Dublin* or elsewhere, as the said Inspector General shall, subject to the Direction and Control A Surgeon to be appointed.

Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time prescribe; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, as he or they shall think fit, to remove any such Surgeon; and upon any Vacancy in such Offices by Death, Removal, or otherwise, to appoint some other Surgeon, being a Member of One of the said Royal Colleges or a Medical Officer on the Half Pay of the Army or Navy, to fill such Office; and such Surgeon shall receive such annual Salary, not exceeding Three hundred Pounds, as the said Lord Lieutenant or other Chief Governor or Governors shall think fit to appoint.

Provisions of 6 & 7 W. 4. c. 13. as to Qualification, Pay, &c. extended to the Reserve Force.

III. And be it enacted, That all and every the Provisions of the said recited Acts and this Act, with respect to the Qualification, Appointment, Dismissal, Resignation, Pay, Superannuation Allowances, Deductions for and Contributions to the Police Superannuation Fund and to the Police Reward Fund, Duties, Liabilities, Disabilities, Forfeitures, and Penalties of or attaching upon the Officers and Men of the said Constabulary Force respectively, shall apply and extend to the Officers and Men forming Part of the said Reserve Force, except so far as such Provisions may be altered by this Act, or other Provisions made in lieu thereof, and that the said Reserve Force shall be subject to the like Regulations, Direction, and Control as the said Constabulary Force, except that such Reserve Force shall not be attached to any particular County or Place, save temporarily by virtue of such Order as is herein-after mentioned.

Holders of Employments under this Act may receive Half Pay.

IV. Provided always, and be it enacted, That no Office or Employment under this Act shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that Persons holding Appointments under this Act shall not receive Half Pay.

Constabulary may be placed in Depôt for the Purpose of being trained.

V. And be it enacted, That it shall and may be lawful for the Inspector General of the said Constabulary Force, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time as may be expedient, to direct that all or any of the Sub-Inspectors (hereafter to be called County Inspectors), Paymasters, Chief Constables (hereafter to be styled Sub-Inspectors), Head or other Constables or Sub-Constables, now or at any Time hereafter to be appointed in and for any County or Counties, Barony, Half Barony or other Division of a Barony, County of a City or Town, or Town and Liberties, shall repair to the Depôt to be provided as herein-before directed in or near to the City of *Dublin*, and there remain for such Time or Times as such Inspector General shall, subject to the like Direction and Control, order, for the Purpose of being instructed, trained, and exercised in their respective Duties; and when so instructed, trained, and exercised return to their respective Counties and Places for which they may have been appointed: Provided always, that all Expences to be incurred in respect of such Sub-Inspectors (hereafter to be called County Inspectors), Chief Constables (hereafter to be styled Sub-Inspectors), Head or other Constables or Sub-Constables, so at any Time removed

to the said Depôt, shall be defrayed by the Counties, Counties of Cities or Towns, to which they respectively belong, as if no such Removal had taken place.

VI. And be it enacted, That it shall and may be lawful for the Inspector General of the said Constabulary Force, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time as may be expedient, to order and direct that the Whole or any Portion of the said Reserve Force, or the Whole or any Portion of the said Constabulary Force, from Time to Time placed in the said Depôt as herein-before mentioned, shall go and repair to such Place or Places in any County or Counties, County of a City or of a Town, or Town and Liberties, in *Ireland*, as shall be mentioned in such Order, and shall remain there for such Length of Time, or remove to or remain at any other Place or Places in the same or any other County, City, or Town, for such Time or Times, and shall return to the said Depôt in or near *Dublin* at such Time or Times respectively, as shall be mentioned in or directed by such Order, or by any other Order or Orders which may from Time to Time be made by such Inspector General, subject to the like Direction and Control; and that the Officers and Men constituting such Reserve Force, or belonging to the said Constabulary Force, when so removed, shall have the same Rights, Powers, and Authorities, and be subject to the same Rules, Regulations, and Orders, and be in all respects in the same Situation in the County or other Districts or Places to which they shall be so removed, as if they had been appointed to and formed Part of the Constabulary Force established in and for such County or Place.

Reserve Force may be removed to and employed in Counties.

VII. And be it enacted, That it shall be lawful to and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to order that all such Sum or Sums of Money as they shall think necessary shall from Time to Time be advanced and paid, out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, for the Payment of the Officers and Men composing the said Reserve Force to be established under this Act, and for the Salaries of the Paymaster and Surgeon to be attached to the said Depôt, as herein-before provided, and for the Purchase of Arms, Accoutrements, Horses, Bridles, Saddles, and all other Appointments proper for the Use of the said Reserve Force, and also for the Purchase or Rent and Repairs of a proper House or Barrack to be provided for such Depôt, and for the Forage of Horses, and for the Furniture and all other Accommodations necessary to the said Depôt, and for all other Costs and Charges to be incurred in the Execution of this Act; and all and every the Regulations in the said recited Acts contained, in respect of the Issue and Advance and accounting for of the Money issued thereunder, shall apply and extend to the Money to be issued under the Authority of this Act, as if the same had been issued under the Authority of the said recited Acts, save as may be by this Act otherwise provided.

Expences of Reserve Force to be advanced out of the Consolidated Fund.

VIII. Provided always, and be it enacted, That One Moiety of all Monies so advanced out of the Consolidated Fund for the Payment of the Officers and Men composing the said Reserve Force, and of all other Costs and Expences (save as herein-after mentioned)

A Moiety to be repaid by the Counties in which the Force is employed.

tioned) to be incurred in respect of such Officers and Men during such Time as they shall remain in any County, County of a City, or County of a Town to which they may be removed by virtue of any such Order of the said Inspector General as aforesaid, shall be defrayed by such County, County of a City, or County of a Town, and shall be raised by Grand Jury Presentment off such County, County of a City, or County of a Town, together with and in addition to the Monies to be raised off such County, County of a City or Town, under the said recited Acts on account of the Constabulary Force established therein; and the Inspector General of the said Constabulary Force shall have regard thereto in making out the Certificate, which he is by the said Acts directed to prepare, for the Purpose of ascertaining the Monies chargeable upon each County, County of a City or Town, or Part of a County, under the said recited Acts, and shall include such Monies in such Certificate; and all and every the Provisions of the said recited Acts directing, requiring, and enforcing the Presentment, Levy, and Payment of the said Monies so payable in respect of the said Constabulary Force, shall apply and extend to direct, require, and enforce the Presentment, Levy, and Payment of the Monies so certified to be payable in respect of the said Reserve Force: Provided always, that it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct that the Monies, or any Proportion thereof, so payable in respect of the said Reserve Force shall be raised off any Barony or Baronies, Half Barony or Half Baronies or other Division of a Barony, for the better Execution of the Law wherein such Reserve Force or any Part thereof may have been employed, instead of the County at large, and the said Inspector General shall, pursuant to such Order, specify in his said Certificate the Barony or Baronies, Half Barony or Half Baronies, or other Division of a Barony, so to be charged with the Payment of such Monies, or any Proportion thereof, and the same shall be presented and levied thereout accordingly.

For calculating the Moiety of the Expences of the Constabulary Force to be raised by Presentment.

IX. Provided always, and be it enacted, That for the Purpose of calculating the Proportion of the Monies advanced for the Purposes of the said Reserve Force out of the Produce of the said Consolidated Fund, under the Provisions of this Act, to be raised by Grand Jury Presentment off the several Counties, Counties of Cities, and Counties of Towns liable to the Repayment of the same, the Inspector General of the said Constabulary Force shall deduct the Salary and Expences of the Surgeon and Paymaster to be appointed under this Act, and all such and the like Expences in respect of the said Reserve Force as by the said recited Acts and this Act are directed to be deducted, from the Amount of Monies advanced by virtue thereof out of the Produce of the said Consolidated Fund for the Purposes of the said Constabulary Force.

Two out of the present Four County Inspectors to be reduced.

X. And be it enacted, That as soon as conveniently may be after the passing of this Act the Appointments of Two out of the Four County Inspectors appointed under the said Acts shall be vacated, and the Number of such Inspectors shall be thenceforth limited to Two: Provided always, that if the said Lord Lieutenant or other Chief Governor or Governors shall on proper Occasion

think fit to appoint the Persons now filling the said Offices of County Inspectors, or either of them, to be a Stipendiary Magistrate or Magistrates under the said Acts, they, or such of them as shall be so appointed, shall receive the same Salary as they or he may now receive as such County Inspectors, instead of the Salary by the said Acts limited for Persons appointed such Magistrates, together with such Allowances as may be made to such Magistrates.

XI. And be it enacted, That from and after the passing of this Act the Designation of certain Officers appointed under the said Acts shall be changed as herein-after mentioned; provided nevertheless, that such Change of Designation shall in no respect alter the Duties or Emoluments of such Officers respectively, nor otherwise affect the Provisions of the said Acts or this Act, or any other Act in respect thereof; that is to say, the Officers named and described in the said Acts as County Inspectors shall henceforth be styled "Provincial Inspectors," the Officers named and described as Sub-Inspectors shall be styled "County Inspectors," and the Officers named and described as Chief Constables shall be styled "Sub-Inspectors;" and wheresoever in any Act of Parliament heretofore passed, or which may be passed in this present Session, the Words "Chief Constable" occur, they shall extend to and include any Officer of Police hereafter to be styled "Sub-Inspector" by virtue of this Act.

The Designation of certain Officers of the Constabulary Force changed.

XII. And be it enacted, That it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors to direct that annual Salaries, not exceeding the Sums herein-after mentioned, shall be paid to the Number herein-after mentioned of Officers and Men in each Rank of the said Constabulary Force, instead of the Salaries by the said Acts limited for each such Rank respectively: Provided always, that the gross Amount of the Money to be paid for the Salaries of the Officers and Men composing the said Force shall not exceed the Amount which the said Lord Lieutenant or other Chief Governor or Governors is or are authorized by the said Acts to grant as and for such Salaries in each such Rank; (that is to say,) it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to grant to any Five Sub-Inspectors (henceforth to be styled County Inspectors) an annual Salary not exceeding Three hundred Pounds each; to any Six Chief Constables (henceforth to be styled Sub-Inspectors) an annual Salary not exceeding One hundred and eighty Pounds each; to any Number of Constables an annual Salary not exceeding Forty Pounds each; to any Number of Sub-Constables an annual Salary not exceeding Thirty-three Pounds each.

Annual Salaries may be paid to the Constabulary Force, but the whole Expence not to be increased.

XIII. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to direct, that the Clerks in the Office of the said Inspector General shall receive Salaries not exceeding One thousand Pounds in the whole for all such Clerks, instead of Eight hundred Pounds, as in the said Act first recited limited.

Allowance for Clerks increased.

XIV. And be it enacted, That each County Inspector (henceforth to be styled Provincial Inspector) appointed or to be appointed under the said Act first recited, who shall have taken or

Inspectors to be Justices of the Peace throughout Ireland.

take the Oaths by Law required, in such Manner as by Law prescribed to be taken by Justices of the Peace in *Ireland*, and the Oath in the said Act first recited contained, shall thereupon be and become, without further Qualification or Appointment, and continue so long as he shall hold the said Office, but no longer, a Justice of the Peace for every County, County of a City, County of a Town, and Town and Liberties in *Ireland*.

Constabulary
may act beyond
the Limits of
their several
Counties in
certain Cases.

XV. ' And whereas considerable Inconvenience has arisen from the Powers and Authorities of Sub-Inspectors, Chief and other Constables, and Sub-Constables, being limited to the Counties or Places for which they are respectively appointed; be it therefore enacted, That in the Case of any sudden or extraordinary Disturbance of the Public Peace, and also whensoever any such Disturbance is immediately apprehended, and also for the fresh Pursuit of Offenders, and also for the Conveyance of Prisoners, it shall and may be lawful for the Sub-Inspectors (henceforth to be styled Constables (henceforth to be styled Sub-Inspectors), Head or other Constables, or Sub-Constables, appointed in or for any County or Place adjacent to the County or Place in which such Disturbance may arise or be apprehended, or into which any such Offender may escape, or any Prisoner so by the Warrant of any Justice directed to be conveyed, (and whether they shall or shall not be lodged in such common Station or Barrack as herein-after mentioned,) to act in such adjacent County or Place for the Suppression or Prevention of such Disturbance or the Apprehension of such Offender, or the Conveyance of such Prisoner; and that they shall therein have the same Rights, Powers, and Authorities, and be subject to the same Rules, Regulations, and Orders, and be in all respects in the same Situation, as if appointed in and for such last-mentioned County or Place: Provided always, that no such County Inspector, Sub-Inspector, Head or other Constable, or Sub-Constable, shall be absent from his proper County or Place more than Five Days, without such Order as by the said first-recited Act the said Inspector General is authorized to make for the Removal of the Constabulary Force appointed in and for any County or Place to any other County or Place; and provided further, that in case of any such temporary Removal, not exceeding Five Days as aforesaid, the Expences incurred thereby shall be defrayed by the County or Place to or for which the Sub-Inspector, Head and other Constables, and Sub-Constables, so temporarily absent, may belong or have been appointed, in the same Manner as if no such Removal had taken place.

Constabulary
may be lodged
in joint Stations.

XVI. And be it enacted, That in any Case where it shall be found convenient so to do, it shall and may be lawful for the said Inspector General, subject to the Direction and Control of the said Lord Lieutenant or other Chief Governor or Governors, to direct that any Officers and Men belonging to the Constabulary Force established in any Two or more contiguous Counties or Places shall be lodged in a common Station or Barrack situate in any one of such contiguous Counties or Places, so as such common Station shall not be more than a Mile distant from the Boundary of any such County or Place; and the Officers and Men so lodged in such common Station or Barrack shall, in all Places within a Distance of

a Mile

a Mile from such common Station or Barrack, have all such other Rights, Powers, and Authorities, and be subject to all such other Rules, Regulations, and Orders of Magistrates, as if appointed for the County or Place wherein or adjacent to which such common Station may be situate; and the Expence of such common Station shall be apportioned, in such Manner as the said Lord Lieutenant or other Chief Governor or Governors shall direct, among the said several adjoining Counties or Places; and the said Inspector General shall have regard to such Apportionment of the said Expences in making out the Certificate herein-before mentioned ascertaining the Monies chargeable upon each such County or Place respectively.

XVII. And be it enacted, That if any Person to whom any Allowance, Compensation, Remuneration, or Superannuation shall have been or be granted under the Provisions of the said recited Acts or this Act, shall refuse, when called upon by any Magistrate or other Officer of the Peace, to assist in the Suppression of any Riot or Breach of the Peace or in the Apprehension of any Offender, or shall be convicted of any Felony or Misdemeanor or other disgraceful Conduct, or shall have committed any Fraud with respect to the claiming, obtaining, or receiving such Allowance, Compensation, Remuneration, or Superannuation, or shall conceal his Enjoyment of the same for the Purpose of evading the Provisions of this Act, or shall assume a false Name or make a false Statement as to his Place of Residence for the same or any other fraudulent Purpose, shall, in addition to any other Punishment to which he may be by Law liable, forfeit, at the Pleasure of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, the Whole or any Part of such Allowance, Compensation, Remuneration, or Superannuation.

Superannuation
forfeited by
Misconduct.

XVIII. Provided always, and be it enacted, That any Superannuation, retiring Allowance, or Gratuity which may at any Time be granted to any Officer or Man belonging to the said Reserve Force shall be charged upon and paid out of the Police Superannuation Fund established under the herein-before first-recited Act.

Superannua-
tions charged on
Police Superan-
nation Fund.

XIX. 'And whereas under the said recited Acts the Paymasters appointed thereunder are required to make up their Accounts on the First Day of every Month, and to transmit the same to the Receiver of the said Constabulary Force, and Copies thereof are directed to be transmitted to the Secretaries of the respective Grand Juries, and laid before the Magistrates at the Special Road Sessions next preceding the Assizes, and divers other Provisions are made respecting the said Accounts: And whereas the said monthly Accounts have been found inconvenient;' be it therefore enacted, That, instead of the said Accounts being made up on the First Day of every Month, the same shall be made up to such Day in each Half Year as may be for that Purpose appointed by the said Inspector General, and that all and every the Provisions made by the said Acts in respect of the said monthly Accounts shall apply and extend to the half-yearly Accounts to be made up in lieu thereof as herein directed.

Paymasters to
make up half-
yearly instead
of monthly
Accounts.

XX. And be it enacted, and it is hereby declared to be the Intent and Meaning of the said recited Acts, That for the Purpose of calculating the Proportion of the Monies advanced out of the

Counties to be
liable to repay
a Moiety of
the Expence
of Clothing.

Consolidated Fund, under the Provisions of the said recited Acts, to be raised by Grand Jury Presentment off the several Counties, Counties of Cities, and Counties of Towns liable to the Payment of the same, as in the said Acts mentioned, no such Sums as shall be or have been advanced for the Clothing of the said Constabulary Force shall be deducted from such Advances, any thing in the said recited Acts to the contrary hereof notwithstanding: Provided always, that in any Case where any Expences heretofore incurred for the Clothing of the said Constabulary Force shall not have been presented, levied, and repaid by and off any County, County of a City or Town, it shall be lawful for the said Inspector General to include the Proportion of such Expence chargeable on such County, County of a City or Town, under the Provisions of the said recited Act and this Act, in the next Certificate to be by him made out of the Monies chargeable under the said Acts on such County, County of a City or Town, and the same shall be presented together with and in addition to the other Monies included in such Certificate, and the Presentment, Levy, and Repayment thereof enforced by all the like Ways and Means.

Expences of removing Officers from one County, &c. to another to be deducted from the Expences chargeable on Counties.

XXI. Provided always, and be it enacted, That, in calculating the Proportion of the Monies advanced out of the said Consolidated Fund to be repaid by Grand Jury Presentment as aforesaid, all such Sums as shall have been advanced for the Expences attendant upon the Removal from any County, County of a City or Town, Barony, Half Barony, or other Division of a Barony, for the Purpose of being re-appointed to any other County, County of a City or Town, Barony, Half Barony or other Division of a Barony, of any Sub-Inspector (henceforth to be styled County Inspector) or Chief Constable (henceforth to be styled Sub-Inspector), shall be deducted from such Advances, together with the other Expences by the said Acts authorized to be so deducted.

Officers and Men of Constabulary and Reserve Force exempted from serving as Guardians of the Poor, Jurors, &c.

XXII. And be it enacted, That no Person holding any Appointment or Employment under the said Acts or this Act shall be eligible or liable to be elected a Guardian of the Poor, or to fill any other Office under an Act passed in the last Session of Parliament for the more effectual Relief of the destitute Poor in *Ireland*; and that the Provision in the herein-before first-recited Act of the Sixth and Seventh Years of His late Majesty's Reign, exempting certain Officers and Men belonging to the said Constabulary Force from Liability to serve the Offices of Churchwarden, Parish Overseer, and Constable, or as Jurors, or in the Militia, shall be deemed and taken to extend to all Persons holding any Appointment or Employment whatsoever under the said recited Act or this Act.

Deputy may act for Inspector General.

XXIII. And be it enacted, That in case of the Death, Illness, Removal, Resignation, or Absence of the Inspector General, it shall be lawful for such One of the Deputies to the said Inspector General as shall be for that Purpose authorized by the said Lord Lieutenant or other Chief Governor or Governors, by Warrant under his or their Hand and Seal, to do all such Acts as it would have been competent for the Inspector General to do; and all Acts done by such Deputy Inspector General shall be alike valid and effectual as if done by the Inspector General, or as if such Office were not vacant in case it shall happen so to be.

XXIV. And

XXIV. And be it enacted, That all Witnesses duly summoned by the Inspector General or Deputy Inspector General, or Person or Persons nominated at any Time by the said Lord Lieutenant or other Chief Governor or Governors, to inquire, pursuant to the Provisions of the said Acts, into any Charges or Complaint preferred against any Person appointed thereunder of any Neglect or Violation of Duty in his Office, and to report thereon, shall, during their necessary Attendance at such Inquiry, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued, or if such Court be not then sitting, then by any Judge of the Court of Queen's Bench in *Dublin*, upon its being made to appear to such Court or Judge, by an Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Inquiry; and that all Persons so duly summoned as aforesaid who shall not attend at such Inquiry, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as may be legally demanded of them, shall forfeit and incur such Penalty, not exceeding Five Pounds, as the said Inspector General or Deputy Inspector General, or Person or Persons holding such Inquiry, shall direct, and in default of Payment thereof such Person so offending shall and may be imprisoned for such Period, not exceeding One Month, as such Inspector General or Deputy Inspector, or Person or Persons holding such Inquiry, may direct and adjudge; and the Payment of such Fine shall be enforced, or the Person liable thereto imprisoned, in the Manner prescribed by and according to the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in Ireland, and for the Application and Distribution thereof.*

Witnesses required to attend Police Inquiries.

1 & 2 Vict. c. 99.

XXV. ' And whereas Authority was given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by the said first-recited Act, to continue to Magistrates appointed under the said Act a Salary and Allowances equal to the Salary and Allowances granted to them while serving under the Provisions of former Acts therein-before recited: And whereas it is expedient to extend a like Benefit to the present Senior Deputy Inspector General, Lieutenant Colonel *Miller*, who, upon the Consolidation of the Force consequent upon the passing of the said Act, was deprived of the Office of one of the Inspectors General, which he held under the former Act; be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors to grant unto the said Lieutenant Colonel *William Miller* an annual Salary of One thousand two hundred Pounds, in lieu of the Salary fixed by the said recited Act, whilst he shall hold the said Office of Deputy Inspector General; and that he shall henceforward receive the said Salary upon the same Conditions in all respects as if this Clause had been included in the said recited Act.

Salary to Senior Deputy Inspector General.

XXVI. And be it enacted, That it shall be lawful for any County Inspector to whom any List and Warrant shall be transmitted, pursuant to the Provisions of an Act passed in the Session of Parlia-

Sub-Inspectors to execute Sub-Warrants of County Inspection

tor for levying
Fines, &c.
1 & 2 Vict. c. 99.

ment held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in Ireland, and for the Application and Distribution thereof*, or of this Act, or of the said Act and this Act, to issue a Sub-Warrant to any Sub-Inspector under his Command, thereby requiring such Sub-Inspector to levy the Amount of any Fine, Penalty, Issue, Deodand, Amerciament, or forfeited Recognizance which such County Inspector shall be authorized to levy by the List and Warrant transmitted to him as by the said Act is directed; and every such Sub-Inspector shall possess all such Powers, for levying the Amount thereof, and committing Parties for Nonpayment, as are given to the Officers heretofore styled Sub-Inspectors under or by virtue of the Provisions of the said Act; and all Sub-Inspectors by whom respectively any Money shall be received or levied by virtue of any such Sub-Warrant as aforesaid shall forthwith pay all Monies so received and levied into the Hands of the County Inspector from whom such Sub-Warrant shall have been received, and shall from Time to Time, and at such Times and in such Manner as such County Inspector shall direct, report to him what has been done under or in relation to any Sub-Warrant delivered to him as aforesaid, and shall furnish to such County Inspector full, true, and particular Accounts of all Monies received and disbursed by him under such Sub-Warrant or in relation thereto; and shall verify such Accounts upon Oath, to be administered to him by such Inspector, and also by such Vouchers and in such Manner and according to such Regulations as the Chief Remembrancer of Her Majesty's Exchequer in *Ireland* shall from Time to Time direct.

Powers of Sub-Inspectors.

Sub-Inspectors to account to County Inspectors.

Accounts to be rendered by County Inspector to Chief Remembrancer.

XXVII. ' And whereas the Provisions in the said Act contained touching the rendering of Accounts to the said Chief Remembrancer by Chief Constables, and touching Payments to be by them made to the Credit of the Paymaster of Civil Services, were intended to apply to Sub-Inspectors; be it therefore declared and enacted, That they shall be held to apply to the Officers to be henceforth styled County Inspectors by virtue of this Act.

Proceedings in case of Failure to account.

XXVIII. And be it enacted, That if any Officer or Person shall omit to render any Account or to transmit any List, or to pay or remit any Sum or Sums of Money which he ought to render, transmit, pay, or remit to any such County Inspector as aforesaid, it shall be lawful for the said Chief Remembrancer, upon the Application of such County Inspector, to make an Order requiring such Officer or Person forthwith so to do, and for enforcing such Order to cause such Process to issue and be executed against the Party in default, and his Lands and Goods, as may be issued against any Party or Person neglecting to render any Account by Law required to be rendered to the said Chief Remembrancer, or to make any Payment by him ordered to be made according to Law.

Repeal of
1 & 2 Vict. c. 6.

XXIX. ' And whereas it is expedient to repeal an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to regulate the Expences of conveying Prisoners in Ireland*, and to make other Provisions in lieu thereof; be it therefore

fore enacted, That the said last-recited Act shall be and the same is hereby repealed.

XXX. And be it enacted, That the reasonable and necessary Expences actually incurred by any Chief Constable (hereafter to be called Sub-Inspector), Head Constable, Constable, or Sub-Constable, Gaoler or other Person, in conveying any Prisoner to or from any County Gaol or Bridewell or House of Correction, or for Examination before any Magistrate in *Ireland*, or to or from any Assizes or Sessions Court or other Place in *Ireland*, by Order of any Justice of the Peace or other lawful Authority, or from any County Gaol or Bridewell to a District Lunatic Asylum in *Ireland*, and also all reasonable and necessary Expences incurred in the Pursuit of any Person charged with the Commission of any Offence in any County, County of a City, or County of a Town in *Ireland*, shall be defrayed by the Paymaster of the County, County of a City, or County of a Town in which such Prisoner or Person shall have committed or be charged with having committed the Offence alleged against him or her, out of any Funds in his Hands applicable to the Maintenance of the said Constabulary Force, and the same shall be allowed him in his Account as if the same had been a Disbursement in respect of the said Force, and be subject to the like Audit and Examination; and the whole of the Monies so from Time to Time paid in liquidation of the Expences incurred in any of the before-mentioned Cases shall be stated in the Certificate which the Inspector General of the said Force is now by Law required to prepare of the Monies chargeable on such County, County of a City, or County of a Town, in respect of the said Constabulary Force, and shall, over and above and in addition to the Monies so chargeable on such County, County of a City, or County of a Town, in respect of the said Force, be presented by the Grand Jury thereof to be levied off the County at large, and when levied to be paid over together with such Monies to the proper Bank or Person appointed to receive the same: Provided always, that any Sum chargeable upon any County, County of a City, or County of a Town, under the Provisions of the said recited Act, shall remain charged thereon, and be paid by Grand Jury Presentment thereout as if the said Act remained in full Force and Effect.

Expences incurred by Constabulary in regard to Prisoners to be paid by County Paymaster.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parli-
ment.

Act may be amended, &c.

C A P. LXXVI.

An Act to restrain the Alienation of Corporate Property in certain Towns in *Ireland* until the First Day of *September* One thousand eight hundred and forty.

[24th August 1839.]

‘ WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland*, whereby temporary Provision was made to the end that the Estates and Effects of the Bodies Corporate constituted in sundry Towns in *Ireland* might be preserved and maintained
‘ for
6 & 7 W. 4. c. 100.

Restraining the Conveyance of Corporate Property until the 1st September 1840, unless *bonâ fide* agreed upon previous to 16th February 1836.

Proviso.

Persons appointed to Offices of Profit since 16th February 1836 not entitled to Compensation on Removal by Parliament.

‘ for the Use and Benefit of the Inhabitants of the said Towns, and upon and for the several Trusts and Purposes to which the same ought to be applied: And whereas by Two Acts passed respectively in the last and in the previous Sessions of Parliament further temporary Provision was made to the like end: And whereas it is fitting that such Provision should be continued: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Conveyance, Alienation, Settlement, Charge, or Incumbrance whatsoever of, out of, or upon any Lands, Tenements, or Hereditaments to which any Body Corporate or late or reputed Body Corporate named in the Schedule to the said first-recited Act annexed, or any One or more of the Members of any of the said Bodies Corporate in his or their Corporate Capacity, or any Person or Persons in Trust for them or any of them, now have or may hereafter acquire, or on or before the Sixteenth Day of *February* One thousand eight hundred and thirty-six had or have since then acquired any Right or Title, unless in pursuance of some Covenant or Contract or Agreement *bonâ fide* made or entered into on or before the said Sixteenth Day of *February* by or on behalf of such Body Corporate, or of some Resolution duly entered in the Corporate Books of such Body Corporate on or before the said Sixteenth Day of *February*, shall (except as herein-after provided) be made or executed by or on behalf of such Body Corporate before the First Day of *September* One thousand eight hundred and forty; and that no Contract, Covenant, or Agreement to convey or to charge such Lauds, Tenements, or Hereditaments, entered into after the passing of this Act and before the said First Day of *September*, shall, except as herein-after provided, be valid; and no Assignment, Grant, or Disposition of or Covenant or Agreement to affect any Personal Estate or Estates of any such Body Corporate which may be hereafter made before the said First Day of *September*, shall, except as herein-after provided, be valid and effectual: Provided always, that nothing herein contained shall extend to such Dispositions as may be made before the said First Day of *September* of any Part of the Real or Personal Estate of any such Body Corporate for paying any just and lawful Debt contracted by them before the said Sixteenth Day of *February* One thousand eight hundred and thirty-six, or for paying any Debt which any such Body Corporate shall have been or may be directed to pay by any Order, Judgment, or Decree of any Court of Law or Equity, or for defraying the legal Salaries of necessary Officers, and other legal and necessary Disbursements of such Body Corporate.

II. And be it enacted, That no Person who shall have been appointed to any Office or Place of Profit in or by any of the said Bodies Corporate since the said Sixteenth Day of *February* One thousand eight hundred and thirty-six shall be entitled, by reason of such Appointment, to have any Compensation for the Loss of such Office or Place of Profit, or of the Fees and Emoluments thereof, in case Provision shall be hereafter made by Parliament for removing him or authorizing his Removal from such Office or Place of Profit, or for amending or abolishing the same.

C A P.

C A P. LXXVII.

An Act for the better Prevention and Punishment of Assaults
in *Ireland* for Five Years. [24th August 1839.]

WHEREAS the Use of Stones and of loaded Sticks and loaded Whips, in the Commission of Assaults, has been productive of grievous Injury and sometimes Loss of Life in *Ireland*: And whereas by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person*, a summary Power of punishing Persons for Common Assaults is provided under the Limitations therein mentioned, and Jurisdiction is given, when any Person should unlawfully assault or beat any other Person, to Justices of the Peace, upon Complaint of the Party aggrieved, to hear and determine such Offence, and it is enacted, that the Offender, upon Conviction thereof before them, shall forfeit and pay such Fine as shall appear to them to be meet, not exceeding, together with Costs (if ordered), the Sum of Five Pounds; and in default of the Person so convicted paying such Fine as therein mentioned, Power is given by the said Act to such Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Two Calendar Months, unless such Fine and Costs be sooner paid:

10 G. 4. c. 34.
§ 36.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if upon hearing of any such Complaint it shall appear to the Justices, by Proof on Oath, that such unlawful Assault or Beating was committed by the Offender hitting or striking the Party aggrieved with a Stone or Brick Bat or heavy and dangerous Metal Weapon held in or swung by the Offender's Hand while the Blow was inflicted, or with a Stick or Whip loaded with Iron or any other Metal, or with any heavy Instrument so loaded, the Offender, upon Conviction thereof before such Justices, shall, in lieu of such Fine or Penalty so imposed by the said Act, forfeit and pay such Fine as shall appear meet to such Justices, not less than the Sum of Ten Shillings nor exceeding the Sum of Five Pounds, together with Costs (if ordered), such Fine and Costs to be paid and applied in like Manner as any Fine imposed by virtue of the said Provisions of the said Act may or ought to be paid or applied, unless otherwise ordered as herein-after mentioned; and if such Fine as shall be so awarded by the Justices, together with Costs (if ordered), shall not be paid either immediately after the Conviction, or within such Period as the said Justices shall at the Time of the Conviction appoint, it shall be lawful for them to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned, with or without hard Labour, for any Term not exceeding Two Calendar Months, unless such Fine or Costs be sooner paid.

Penalty for
Assault com-
mitted with a
Stone or loaded
Weapon.

If Penalty not
paid the Of-
fender to be
committed.

II. Provided always, and be it enacted, That in case the Party injured by such Beating or Assault shall not himself be examined upon the Hearing of such Complaint, it shall be lawful for the Justices to award that the Amount of such Fine or Penalty, or any Part

Penalty and
Costs in certain
Cases paid to
Party injured.

Part thereof, and such Costs as aforesaid, shall be paid to such Party so injured, and the same shall be so paid accordingly.

Pardon for
Nonpayment
of Money.

III. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Chief Governors of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for Nonpayment of Money to some Party other than the Crown.

On what
Grounds Jus-
tices to dismiss
and certify, &c.

IV. Provided always, and be it enacted, That in case the Justices, upon the Hearing of any such Complaint of Assault or Battery, shall deem the Offence not to be proved, or in case they shall find the Assault or Battery to have been justified, and in case they shall dismiss the Complaint accordingly, they shall forthwith make out a Certificate under their Hands, stating the Fact of such Dismissal, and shall deliver such Certificate to the Party against whom the Complaint was preferred; and the said Certificate shall be of the same Force and Effect as any Certificate given under the said recited Act: Provided also, that nothing herein or in the said recited Act contained shall empower the Justices to dismiss any such Complaint if the Offence shall be proved, and they shall not find the Assault or Battery to have been justified (although they might, under other Circumstances, deem the Offence to be so trifling as not to merit any Punishment), where Proof shall be given before them that the Assault or Beating was committed by the Offender so hitting or striking with a Stone or Brick Bat or heavy and dangerous Metal Weapon held in or swung by his Hand when the Blow was inflicted, or with a Whip or Stick or heavy Instrument so respectively loaded as aforesaid.

Justices, if they
think fit, may
deal with the
Case as one to
be prosecuted
at the Assizes
or Quarter
Sessions, &c.

V. Provided always, and be it enacted, That in case the Justices before whom such Complaint and such Proof shall be made shall find the Assault to be such as in their Opinion to be a fit Subject for a Prosecution by Indictment, or if the Complainant or Prosecutor shall so require, they shall abstain from any Adjudication thereupon, and if the Charge be such and so substantiated as to warrant a Prosecution shall deal with the Case as one to be prosecuted at the Assizes or Quarter Sessions: Provided always, that nothing herein contained shall authorize any Justice of the Peace to hear and determine any Case of Assault or Battery in which any Question shall arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing thereupon, or as to any Bankruptcy or Insolvency, or any Execution under any Process of any Court of Justice.

Court may sen-
tence to Imprisonment and
hard Labour,
&c.

VI. And be it enacted, That if any Person shall unlawfully assault and beat or wound any Person with a Stone or Brick Bat, or any heavy and dangerous Missile, (whether held in or swung by the Hand while the Blow is inflicted, or flung at such Person,) or with a Stick or Whip loaded with Iron or any other Metal, or with any heavy Instrument so loaded, and shall be convicted thereof on any Indictment, in any such Case the Court, in sentencing the Offender being convicted thereof to be imprisoned, may order that he be kept to hard Labour, and require him to find Sureties to keep the Peace.

Provisions of
10 G. 4. c. 34.
as to summary
Conviction ex-

VII. And be it enacted, That, save as hereby otherwise provided, all the Powers and Authorities given by and the Provisions contained in the said Act with respect to such summary Conviction,
and

and to the Form thereof, and the Non-removal thereof by Certiorari or otherwise, and the Time within which any such Complaint shall be brought, and every other Provision of the said Act relating to Proceedings under the said summary Jurisdiction for Common Assaults, shall apply to every Proceeding instituted, and every Penalty imposed, and every Conviction and Certificate had or made, under or by virtue of this Act.

tended to this Act, except, &c.

VIII. And be it enacted, That this Act shall come into operation on the First Day of *September* One thousand eight hundred and thirty-nine, and shall continue in force for Five Years.

Duration of Act.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

C A P. LXXVIII.

An Act to make further Provisions relating to the Police in the District of *Dublin* Metropolis. [24th *August* 1839.]

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and the First Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provisions relating to the Police in the District of Dublin Metropolis*: And whereas it is expedient to make more effectual Provisions for the Collection of the Police Tax authorized by the said Act to be levied:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall neglect or refuse to pay the Amount of Police Tax, or Arrears thereof, to which he or they may be liable under the said Act or this Act, for the Space of Ten clear Days after personal Demand thereof by the Collector, or Demand in Writing left at the House, Land, or Tenement rated and assessed to such Tax, or at the Place of Abode or Occupation of the Person or Persons rated and assessed to such Tax, and after a Second Demand thereof made in any such like Manner after the Expiration of the said Ten clear Days, then and in such Case it shall and may be lawful for the Collector or Collectors appointed to receive the said Police Tax, and his or their Assistant or Assistants, by Warrant under the Hand and Seal of either of the Justices appointed pursuant to an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of Dublin Metropolis*, (who and each of them are and is respectively hereby authorized and required to grant such Warrant,) to enter into any Part of any House, Land, or Tenement so rated and assessed, and to distrain the Goods and Chattels therein or thereon, or to enter into any Part of any other House, Lands, or Tenements occupied by the Person or Persons so rated and assessed, and to distrain the Goods and Chattels of such Person or Persons therein or thereon; and if the Sum or Sums for which such Distress shall have been taken shall not be paid within Five Days after such Distress made, together with the Costs of making such Distress, to be ascertained by either of the said Justices, then to sell so much and such Part thereof

7 W. 4. & 1 Vict. c. 25.

How Rates may be distrained for.

6 & 7 W. 4. c. 29.

Unclaimed
stolen Goods
delivered to the
Receiver may
be sold after
12 Months.

XXX. And be it enacted, That when any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Magistrate to be delivered to the Receiver of the Metropolitan Police Force, it shall be lawful for the Receiver, after the Expiration of Twelve Calendar Months, during which no Owner shall have appeared to claim the same, to sell or dispose of such Goods or Money for the Benefit of the Superannuation Fund of the Police of the Metropolis.

Power to award
Costs on hearing
of Charges.

XXXI. And be it enacted, That it shall be lawful for any Magistrate who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet, to be paid to or by either of the Parties to the said Charge or Complaint.

Amends may be
awarded for
frivolous Inform-
ations.

XXXII. ' And whereas Informations are often laid for the mere Sake of Gain, or by Parties not truly aggrieved, and the Offences charged in such Informations are not further prosecuted, or it appears upon Prosecution that there was no sufficient Ground for making the Charge ;' be it enacted, That in every Case in which any Information or Complaint of any Offence shall be laid or made before any of the said Magistrates, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Magistrate shall have Power to award such Amends, not more than the Sum of Five Pounds, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expences in the Matter, as to the Magistrate shall seem meet.

Penalty on
Common
Informers for
compounding
Informations.

XXXIII. And be it enacted, That in case any Person shall lodge any Information before any of the said Magistrates for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Magistrates, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, it shall be lawful for any One of the said Magistrates to issue his Warrant or Summons, as he may deem best, for bringing before him the Party charged with the Offence of such Compounding, Delay, or Withdrawal ; and if such Offence be proved by the Confession of the Party, or by the Oath of any credible Witness, such Informer shall be liable to a Penalty not more than Ten Pounds.

Power to lessen
the Share of
Informers.

XXXIV. ' And whereas by divers Acts the Moiety or other fixed Portion of the Penalties to be thereby recovered is directed to be adjudged to the Informer, and the same has been found to encourage the corrupt Practices of Common Informers ;' for Prevention thereof be it enacted, That where by any Act now in force or hereafter to be passed a Moiety or other fixed Portion of the Penalty or Penalties thereby imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any One of the said Magistrates before whom the Conviction shall be had to adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to the Informer.

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XXXV. ' And whereas by divers Acts certain limited Penalties or Terms of Imprisonment are imposed for Offences therein mentioned, and sufficient Power is not given to the Justice or Justices before whom the Offender is convicted to reduce or lessen such Penalty or Term of Imprisonment, whereby much Hardship is experienced; be it enacted, That where by any Act now in force or hereafter to be passed a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender before a Justice or Justices of the Peace, it shall be lawful for any One of the said Magistrates before whom such Conviction shall be had to reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit: Provided always, that no Penalty for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, shall be reduced by any such Magistrate below the Amount or Proportion allowed in that Behalf by the Act or Acts specially relating thereunto without the Consent of the Commissioners of Customs or Excise or Stamps and Taxes respectively.

Power to mitigate Penalties.

Proviso as to Revenue Acts.

XXXVI. And be it enacted, That any One of the said Magistrates, if he shall think fit, may remand any Person for further Examination, or may suffer to go at large any Person who shall be charged before him with any Felony or Misdemeanor upon his personal Recognizance (with or without Sureties); and every such Recognizance shall be conditioned for the Appearance of such Person before the same or some other of the said Magistrates, for further Examination, or to surrender himself to take his Trial at the Central Criminal Court, or at a Court of General or Quarter Sessions, at a Day and Place to be therein mentioned; and the Magistrate shall be at liberty from Time to Time to enlarge every such Recognizance to such further Time as he shall appoint; and every such Recognizance which shall not be enlarged shall be discharged, without Fee or Reward, when the Party shall have appeared according to the Condition thereof: Provided always, that whenever any Magistrate shall take the Recognizance of any Person to appear at the Central Criminal Court, or at a Court of General or Quarter Sessions, the Magistrate shall be bound to return the Depositions taken in the Case, and to bind over the Witnesses to appear and give Evidence, in like Manner as if he had committed the Party to take his Trial at such Court.

Power to remand or enlarge Prisoners on Recognizances.

XXXVII. And be it enacted, That all Differences, Complaints, and Disputes which shall happen between any Bargemen, Lightermen, Watermen, Ballastmen (except *Trinity* Ballastmen), Coal-whippers, Coal Porters, Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers who work for Hire in or upon the River *Thames*, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, not being in the City of *London* or the Liberties thereof, and the Owners, Masters, or Commanders of Vessels, or their Agents, on the said River, or the Docks or Creeks thereunto adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs, Quays, or other Places, or their Agents, or other Employers, respecting any Work done, or due to such Labourers for Work or Loss of Time, or any other Matter, in any Manner, may be heard and determined by any Magistrate; and every such Magistrate is hereby em

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Disputes about Wages for Labour done on the River, &c. (except by *Trinity* Ballastmen) to be settled by Magistrates, provided the Sum in question does not exceed 5*l*.

upon Oath any such Labourer as aforesaid, or any other Witness or Witnesses, touching any such Complaint or Dispute, and to make such Order for Payment of so much Wages or Money to such Labourer as to the Magistrate shall seem just, provided that the Sum ordered do not exceed Five Pounds, besides all reasonable Costs attending the Prosecution of the Complaint.

Power to order Compensation for wilful Damage by Tenants.

XXXVIII. And be it enacted, That every Person who shall occupy or shall have occupied any House or Lodging within the Metropolitan Police District as Tenant thereof, and who shall wilfully or maliciously do any Damage to the Premises, or to any Furniture thereof not being the Property of such Tenant or Occupier, shall, upon Complaint made to One of the said Magistrates within One Calendar Month next after the Commission of the Offence or the End of the Tenancy or Occupation, forfeit and pay such Sum of Money as shall appear to the Magistrate to be a reasonable Compensation for the Damage done, not more than the Sum of Fifteen Pounds, to be paid to the Landlord or Party aggrieved.

Power to deal summarily with Cases of oppressive Distresses.

XXXIX. And be it enacted, That on Complaint made to any of the said Magistrates by any Person who shall, within the Metropolitan Police District, have occupied any House or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of any Irregularity or Excess in respect of such Distress it shall be lawful for such Magistrate to summon the Party complained against, and if upon the hearing of the Matter it shall appear to the Magistrate that such Distress was improperly taken, or unfairly disposed of, or that the Charges made by the Party having distrained or having attempted to distrain are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be lawful for the Magistrate to order the Distress so taken, if not sold, to be returned to the Tenant on Payment of the Rent which shall appear to be due at such Time as the Magistrate shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Magistrate; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than Fifteen Pounds, such Value to be determined by the Magistrate.

Power to order Delivery of Goods unlawfully detained to the Owner.

XL. And be it enacted, That upon Complaint made to any of the said Magistrates by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person within the Limits of the Metropolitan Police District, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Magistrate to summon the Person complained of, and to inquire into the Title thereto or to the Possession thereof, and if it shall appear to the Magistrate that such Goods have been detained, without just Cause, after due Notice of the Claim made
by

by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Magistrate to order the Goods to be delivered to the Owner thereof, either absolutely or upon Tender of the Amount appearing to be due by such Owner (which Amount the Magistrate is hereby authorized to determine), or upon Performance or upon Tender and Refusal of the Performance of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof (the Nature or Amount of which Amends the Magistrate is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of Fifteen Pounds, such Value to be determined by the Magistrate: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited, by Suit or Action at Law, from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within Six Calendar Months next after such Order shall be made.

XLI. And be it enacted, That if the Guardians of the Poor of any Union or Parish, or the Churchwardens and Overseers of the Poor of any Parish, within the Metropolitan Police District, together with the Medical Officer for any such Parish or Union, shall be of opinion, and shall certify under the Hands of Two or more of such Guardians, Churchwardens, or Overseers, and also of such Medical Officer, that any House or Part of any House within such Union or Parish is in such filthy and unwholesome Condition that the Health of the Inmates or of the Public is thereby affected or endangered, it shall be lawful for any Magistrate acting within the District in which such Union or Parish is situate, if he shall think fit, to cause Notice to be affixed on the Door or other conspicuous Part of such House, requiring the Occupier or Occupiers of such House or Part thereof to appear before him to answer such Complaint, or to cause the same to be cleansed within Seven Days from the Date of affixing such Notice; and if within the said Seven Days such House or Part thereof shall not be cleansed to the Satisfaction of such Medical Officer, and if such Occupier or Occupiers being duly summoned shall not appear before the Magistrate, and show sufficient Cause to the contrary, such Magistrate is hereby empowered, on Proof thereof, to issue an Order under his Hand and Seal to the Guardians of the Poor or the Churchwardens and Overseers aforesaid, to cause such House or Part thereof to be cleansed, at the Expence of such Occupier or Occupiers, and to cause the Amount thereof to be levied, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of such Occupier or Occupiers, by Warrant under the Hand and Seal of such Magistrate.

XLII. And be it enacted, That neither any Justice of the Peace for any of the said Counties, or for the City and Liberty of *Westminster*, or Liberty of the Tower of *London*, not being One of the said Magistrates, nor the Clerk of any such Justice, nor any Person

In case any House be in a filthy and unwholesome Condition, the Magistrate may order the same to be cleansed.

No other Justice than a Police Magistrate shall take Fees within the Police Distr^{on}

Penalty, 100*l*.

on his Behalf, shall directly or indirectly, upon any Pretence whatever, take any Fee or Recompence for any Act by him or them done or to be done as Justice of the Peace or Clerk as aforesaid within any Part of the Metropolitan Police District for which a Police Court shall have been established under the Authority of this Act, upon pain of forfeiting the Sum of One hundred Pounds for every such Offence, one Moiety thereof to the said Receiver, to be applied to the Purposes of this Act, and the other Moiety thereof, with full Costs of Suit, to the Person who shall sue for the same in any of Her Majesty's Courts of Record at *Westminster*; but this Enactment shall not be construed to extend to any Fees taken at any General or Quarter Sessions of the Peace, or at any Meeting of Justices for the Purpose of licensing Alehouses, or for the Purpose of inquiring into the legal Settlement of any Person applying for Parochial Relief, and making suspended Orders of Removal, or to any Fees taken at any Special or Petty Sessions of the Justices in respect of Business which must be transacted at such Special or Petty Sessions, or to any Fees taken by any Vestry Clerk, or by the Clerk to the Overseers of any Parish, for the Purpose of enforcing the Payment of any Rates or Taxes arising within the same Parish.

Table of Fees to be hung up.

XLIII. And be it enacted, That, notwithstanding any thing herein-before contained, such Fees as are contained in the Schedule (A.) to this Act annexed may be taken by any of the said Magistrates or by any Justice or Justices acting in any of the said Courts; and a Table of such Fees shall be fixed in some conspicuous Part of each of the said Courts; and it shall be lawful for any of the said Magistrates to refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and that if any such Act shall be done, and the Fee due thereon shall not be paid, it shall be lawful for any of the said Magistrates to summon the Person from whom such Fee shall be due, and to make Order for Payment of the same, with the Costs of the Proceedings, and in default of Payment to levy the same, with the Costs of the Distress, by Warrant under his Hand.

Proceedings on Information before Magistrates.

XLIV. And be it enacted, That all Offences committed within the Limits of the Metropolitan Police District, which under this or any other Act are punishable on summary Conviction before a Justice or Justices of the Peace, may be heard and determined by any of the said Magistrates sitting at one of the said Police Courts, in a summary Way, within Six Calendar Months at the farthest next after the Commission of such Offence, or within such shorter Time as shall be limited by the Act specifying the Offence, and not afterwards, whether or not any Information in Writing shall have been exhibited or taken by or before such Magistrate; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual as if an Information in Writing had been first exhibited in that Behalf: Provided always, that a Note or Memorandum in Writing, according to a Form to be approved by the Secretary of State, shall be made and kept in the Court of the Substance of every Charge for which a Summons or Warrant shall be issued: Provided also, that the Magistrate, if he shall think fit, may require an Information in Writing to be laid in every Case in which it shall seem to him to be expedient, before the Matter of
the

the Complaint or Charge shall be brought before him; and the Magistrate shall examine into the Matter of every Complaint or Charge brought before him, and if, upon the Confession of the Party accused, or on the Oath of any One or more Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty as to the Magistrate shall seem fit, not more than the greatest Penalty made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Magistrate.

XLV. And be it enacted, That all Penalties, Forfeitures, and other Sums of Money imposed, awarded, or ordered to be paid by any Magistrate continued or appointed under the Authority of this Act, and all Sums of Money which any Person is bound to pay under any Recognizance taken before a Magistrate, and afterwards forfeited, in case of Nonpayment thereof, may be levied with the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand of such Magistrate, and the Overplus (if any) of the Money so raised or recovered, after discharging with Costs the Penalty, Forfeiture, or Sum ordered to be paid, shall be returned, on Demand, to the Party whose Goods and Chattels shall have been distrained; and in case any such Penalty, Forfeiture, or Sum of Money shall not be forthwith paid, it shall be lawful for such Magistrate to order the Party to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Party shall give Security, to the Satisfaction of the Magistrate, for his Appearance at such Place and Time, not being more than Seven Days from the Time of such Detention, as shall be appointed for the Return of the Warrant of Distress, and the Magistrate is hereby empowered to take such Security by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalty, Forfeiture, or Sum of Money, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of the Magistrate, upon the Confession of the Party or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Sum of Money could be levied if a Warrant of Distress, should be issued, it shall be lawful for the Magistrate, by Warrant under his Hand, to commit such Party to some Common Gaol or House of Correction within his Jurisdiction, there to remain for any Time not more than One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and not more than Three Calendar Months in any Case, the Imprisonment to cease on Payment of the Sum due.

XLVI. And be it enacted, That the Magistrates at each of the said Courts shall take care that one of their Clerks shall, in Books to be provided for that Purpose, keep a full, true, and particular Account of all Fees taken and received thereat, together with all Penalties and Forfeitures which shall have been recovered, levied, or received in pursuance of any Adjudication, Conviction, or Order had or made thereat, or any Process or Warrant issuing therefrom, to which Books of Account the said Receiver shall at all Times have free Access; and the said Magistrates shall, once in every

Recovery of
Penalties and
Forfeitures.

Accounts to be
kept of Fees
and Forfeitures
received and
delivered quar-
terly to the
Receiver, and
the Amount
thereof paid
to him.

Quarter of a Year, cause to be delivered to the Receiver an Account of all such Sums received, with all proper Vouchers for verifying the same, and shall cause the Amount of all such Sums to be paid to the Receiver, to be applied by him towards the Expences of the said Courts except Fines imposed upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, which shall be applied for the Benefit of "The Police Superannuation Fund," and except also Fees for the Execution of Summonses and Warrants, which shall be applied towards defraying the Charge of maintaining the Police of the Metropolis.

Certain Penalties and Forfeitures recovered to be paid to the Receiver.

XLVII. And be it enacted, That where by any Act or Acts any Penalties or Forfeitures, or Shares of Penalties or Forfeitures, are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act or Acts respectively the same are or shall be limited and made payable to Her Majesty, or to any Body Corporate, or to any Person or Persons whomsoever, save the Informer who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered or adjudged before any of the said Magistrates, shall be recovered for and adjudged to be paid to the said Receiver for the Time being, and not to any other Person; but this Enactment shall not extend to any Penalties or Forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the Direction of the Commissioners of Her Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

Not to extend to Penalties under Revenue Acts.

Forms of Information and Conviction.

XLVIII. And be it enacted, That any Magistrate before whom any Information shall be laid in Writing against any Person, or before whom any Person shall be convicted in respect of any Offence, may cause the Information and the Conviction to be drawn up according to the Forms respectively given in Schedule (B.) to this Act annexed, or any other Forms to the same Effect, as the Case may require: Provided always, that this Enactment shall not invalidate any Information or Conviction laid or drawn in any other Form which may be more specially suited to the Case or may be provided by Law; and in any Information in Writing, and in every Conviction for an Offence contrary to any Statute or Statutes, it shall be sufficient if the Offence shall be stated in the Words of the Statute declaring the Offence or attaching any Penalty thereunto.

Conviction, &c. not to be quashed for Informality, &c.

XLIX. And be it enacted, That no Information, Conviction, or other Proceeding before or by any of the said Magistrates shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, or be removed by Certiorari into Her Majesty's Court of Queen's Bench.

Appeal to Quarter Sessions.

L. And be it enacted, That in every Case of summary Order or Conviction before any of the said Magistrates, in which the Sum or Penalty adjudged to be paid shall be more than Three Pounds, or in which the Penalty adjudged shall be Imprisonment for any Time more than One Calendar Month, any Person who shall think himself aggrieved by the Order or Conviction may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, provided that such Person

at

at the Time of the Order or Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Magistrate by whom such Order or Conviction shall have been made to bind over the Witnesses who shall have been examined, in sufficient Recognizances, to attend and be examined at the Hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound, under the Hand of the Magistrate, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid, in the first instance, by the Treasurer of the County, in like Manner as in Cases of Misdemeanor under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*; and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County by the Appellant.

7 G. 4. c. 64.

LI. And be it enacted, That when any Distress shall be made for any Money to be levied by virtue of the Warrant of any of the said Magistrates, the Distress shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Warrant of Apprehension, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser from the Beginning on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action on the Case.

Distress not unlawful for Want of Form.

LII. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of sufficient Amends shall have been made, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Plaintiff not to recover after Tender of Amends.

LIII. And be it enacted, That [no Action, Suit, or Information, or any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Sui Information, or

Limitation of Actions.

Act not to affect Lodging Houses.

Tenants paying Rates may deduct them from Rent in certain Cases.

Repeal of Part of s. 9. of 7 W. 4. & 1 Vict. c. 25.

Where Value of Property does not amount to 5*l.*, the Lessor may be rated instead of the Occupier.

as shall be sufficient to pay such Amount of Police Tax and Arrears as aforesaid, together with all Costs and Charges attending the said Distress and Sale, returning the Overplus, if any, to the Person or Persons liable so to pay the same: Provided always, that nothing herein-before contained shall be construed to alter or repeal the Provisions made by the said recited Act for the Recovery of any Rate or Assessment upon any House let out in Apartments: Provided also, that when any Sum payable under the said Act in respect of any Rate or Assessment shall be levied off or from or paid by any Person or Persons occupying any House or Tenement whose Lessor or Landlord shall be liable, by reason of any Contract or otherwise, to pay such Rate or Assessment, or occupying Part of any House or Tenement let out in Apartments, such Person or Persons shall and may deduct such Sum from any Rent payable by him, her, or them to the Landlord or Lessor of such House or Tenement; and the Receipt of such Payment shall be a sufficient Discharge for so much of the said Rent, and shall be to all Intents and Purposes a Payment thereof; and if no Rent shall be due at the Time of such Levy or Payment, the Person or Persons paying such Sum, or from whom the same may be levied, shall in such Cases be entitled to and may recover the same from such Lessor or Landlord by Civil Bill, with Treble Costs.

II. And be it enacted, That so much of the said recited Act as enacts, that where any House liable to Assessment under this Act shall be of a less annual Value than Ten Pounds, the immediate Landlord under whom such House may be held shall be rated and assessed to the said Tax, shall be and the same is hereby repealed, save as to any Arrears of any such Assessment now due in respect of any such House or Tenement, and save as to any such House or Tenement which has been let or demised since the passing of the said Act, as to which the said Enactment shall remain in force so long as such Letting or Demise shall continue.

III. Provided always, and be it enacted, That in any Case where the Value of any House or Tenement assessed under this Act shall not amount to Five Pounds, if the Occupier and his immediate Lessor by any Writing under their Hands shall require, and if the said Justices shall by a Minute agree thereto, such immediate Lessor shall be rated instead of such Occupier, and such Rebate from the Rate may be made (not exceeding Ten *per Centum*) as the said Justices shall by such Minute allow; and such Minute, until altered as herein-after provided, shall bind such Lessor, his Heirs and Assigns, unless the said Justices shall at any Time disallow the same or any Part thereof, which shall thenceforth, so far as the same shall be disallowed, be of no Effect; and such Minute shall in no Case be altered or rescinded by the said Justices until Twelve Months after the making or last previous Alteration thereof, nor within Six Months after the Consent of the Occupier and Lessor to be affected by the Alteration shall have been given to such Alteration: Provided nevertheless, that the Occupier of any Property the immediate Lessor of whom shall have been so charged shall be entitled to be rated, on giving to the said Justices Six Months Notice according to the Form contained in the Schedule to this Act annexed.

IV. And

IV. And be it enacted, That it shall and may be lawful for the Receiver appointed under the said recited Acts to sue for, recover, and receive, of and from the Person thereto liable, any Rate or Assessment payable under the Provisions of the said Act or this Act, by Action of Debt or on the Case, or, if not exceeding Twenty Pounds, by Civil Bill in the Court of the Recorder of *Dublin* or Chairman of the Sessions of the Peace for the County of *Dublin*; and for the Purposes of such Action or Civil Bill such Rate or Assessment shall be deemed to be due and payable to such Receiver.

Rates may be recovered by Action or Civil Bill.

V. And be it enacted, That after the making and signing by the said Justices, or One of them, of every such Assessment, and after the Time for appealing against the same shall have expired, and as to any Matter therein contained which shall be the Subject of Appeal after such Appeal shall have been determined, the original Book or Document of such Assessment, or true and compared Copies of such Assessment, or of so much and such Parts thereof as shall be material or necessary to be given or read in Evidence, (such Copies to be certified by such Justices or One of them,) shall be legal and sufficient Evidence in all Courts and Places of the Contents of such Assessment.

The Book of Assessment, or a compared and certified Copy, to be Evidence of the Contents.

VI. 'And whereas it was enacted by the said first-recited Act that the said Justices should from Time to Time, as they found Occasion, by Warrant under their Hands, appoint One or more proper Person or Persons to rate and assess all Houses, Lands, and Tenements situate and being within the said District of *Dublin* Metropolis to such annual Rate as should from Time to Time be fixed and determined by the said Justices, not exceeding the Amount of Eight-pence in the Pound according to the full and fair annual Value thereof; and that every such Assessor or Assessors should, within Forty Days after the Delivery to him or them of the Warrant of his or their Appointment, deliver to the said Justices an Assessment for each Place named in such Warrant, which Assessment should specify the Names of the several Owners or Occupiers of the respective Houses, Lands, and Tenements comprised in such Assessment, the full and fair annual Value of the same, and the Amount of Police Tax chargeable thereon respectively; and it was also provided by the said Act that all Houses, Lands, and Tenements included in the General Valuation made of the City of *Dublin*, pursuant to an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for valuing the Houses situate in and near the City of Dublin, and for the more equal Payment of the local Taxes there*, should, so far as such Valuation might be applicable to the Purposes of the said recited Act, be valued, rated, and assessed to the said Police Tax according to their respective annual Values, as set forth in such Valuation, and that the said Assessors should adopt the same, and rate such Houses, Lands, and Tenements accordingly, unless where, upon Appeal from any Assessment made under the said first-recited Act in manner therein-after mentioned, it should have been determined that the said Valuation was erroneous: And whereas the said General Valuation made pursuant to the said Act of the Fifth Year of the Reign of King *George* the Fourth has been found to

Justices may appoint Valuers.

5 G. 4. c. cxviii.

be

‘ be erroneous to a great Extent, and the same cannot, under the ‘ herein-before recited Enactments, be amended, except upon Ap- ‘ peal, and it is therefore necessary to enable the said Justices to ‘ correct such Valuation, and it is also expedient to enable them ‘ to make a Valuation of any House, Lands, and Tenements not ‘ included in such General Valuation which they may think neces- ‘ sary, previous to the Imposition of the Rates and Taxes which ‘ by the said Act they are authorized to levy;’ be it therefore enacted, That it shall and may be lawful for the said Justices from Time to Time as they shall think fit, by Warrant under their Hands, to appoint One or more proper Person or Persons as Valuator or Valuators to ascertain the full and fair annual Value of all and every or any of the Houses, Lands, and Tenements liable to Assessment under the said Act, whether included or not included in the said General Valuation, and, if they shall so think fit, to annex a Schedule to such Warrant specifying the Houses, Lands, and Tenements which such Valuator or Valuators shall value; and the Valuator or Valuators so appointed shall for that Purpose have all such Powers and Authorities as by the said Act passed in the Fifth Year of the Reign of King *George* the Fourth were conferred upon the Persons appointed to make the Valuation thereby authorized, and shall, within such Period as the said Justices shall direct, return such Valuation to them, and verify the same upon Oath (which Oath the said Justices, or either of them, are or is hereby authorized to administer); and every such Valuation, so far as the same shall extend, shall, subject to such Appeal as herein-after mentioned from any Assessment founded in the whole or in part on such Valuation, be, as to the Houses, Lands, and Tenements comprised therein, adopted in making the Assessment which the said Justices are or shall be authorized to make or direct to be made under the said Act or this Act.

Justices to assess Property according to Value set forth by the Valuators.

VII. And be it enacted, That the said Justices shall from Time to Time rate and assess or cause to be rated and assessed all Houses, Lands, and Tenements so valued by the Valuator or Valuators appointed under this Act according to the Value or Values as returned by the said Valuator or Valuators, not exceeding Eightpence in the Pound on such Values, and shall also rate or assess or cause to be rated and assessed all Houses, Lands, and Tenements not valued as aforesaid by the Valuator or Valuators appointed under this Act according to the Value of such Houses, Lands, and Tenements set forth or adopted in the Assessment which shall have been then last delivered to the said Justices by the Assessors who were appointed under the first-recited Act, or shall have been then last made under the said Act or this Act, subject to such Appeal as herein-after mentioned.

The Valuation for the Poor Rate may be adopted.
1 & 2 Vict. c. 56.

VIII. And be it enacted, That it shall and may be lawful for the said Justices, if they shall so think fit, to direct any Houses, Lands, or Tenements liable to Assessment as aforesaid to be assessed to the said Police Tax according to the Valuation (so far as the same may be applicable) which shall have been made under or for the Purposes of an Act passed in the last Session of Parliament, intitled *An Act for the more effectual Relief of the destitute Poor in Ireland*; and in case of any such Direction, the said last-mentioned Valuation shall be adopted from Time to Time in so rating and

assessing by virtue of this Act, and shall be valid for the Purposes of this Act and the said recited Act, any thing herein or therein contained to the contrary notwithstanding; and for the Purposes aforesaid it shall be lawful for the said Justices, or for any Person by their Authority, to inspect and take Copies or Extracts from any Rate or Assessment made by virtue of the said last-mentioned Act which shall include any Property situate within the Police District of *Dublin* Metropolis.

IX. Provided always, and be it enacted, That every Assessment made by virtue of this Act shall be signed by the said Justices or One of them; and that when any such Assessment shall have been made and signed as aforesaid the said Justices shall cause such Notice to be given of such Assessment, and of a Place wherein the same may be inspected, as is directed by the said recited Act with respect to any Assessment made thereunder; and every such Assessment shall have the same Effect and be subject to the like Appeal as any Assessment made or which might have been made by virtue of the said Act; and all the Provisions of the said Act with reference to any Assessment made by virtue thereof, whether as to the Jurisdiction, Manner, Time, and Grounds of Appeal therefrom, or as to the Costs of such Appeal, or as to the Levy or Collection of the Tax charged in any such Assessment, or as to any Penalty imposed upon any Person having Custody of any such Assessment, or otherwise in relation to any such Assessment or Tax, or to any Proceedings relating thereto or consequent thereon, shall extend and apply to and in respect of any Assessment to be made by virtue of this Act, and to the Tax thereby charged, as if the same were respectively hereby re-enacted, save so far as the same are hereby altered, or so far as the same may be inconsistent with the Provisions of this Act: Provided always, that the Person thinking himself aggrieved by any Assessment made by virtue of this Act may appeal in the Manner in the said Act directed to the next Court of General or Quarter Sessions which shall be holden for the County of the City of *Dublin*, not less than Thirty-one Days after public Notice of such Assessment shall have been given, instead of Twenty-one Days as specified in the said Act.

X. And be it enacted, That all public Buildings liable to be rated and assessed for the Purposes of an Act passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the more effectual Improvement of the City of Dublin and Environs thereof*, and of an Act passed in the Fifty-fourth Year of the Reign of His said late Majesty, to explain and amend the said Act of the Forty-seventh Year of the Reign of His said late Majesty, or of either of the said Acts, shall be rated and assessed for the Purposes of and in the Manner directed by the said first-recited Act or this Act: Provided always, that for the Purposes of this Act the Exemption of charitable Establishments from any Rate or Assessment as specified in the said Act of the Fifty-fourth Year of the Reign of His said late Majesty shall extend to any Charity School or Building used exclusively for the Education of the Poor.

XI. And be it enacted, That in all Cases in which any Fines, Penalties, or Forfeitures, or Shares of Fines, Penalties, or Forfeitures, are by any Law now in force or shall hereafter be limited

Assessment to be signed by the Justices or One of them.

Provisions of 7 W. 4. & 1 Vict. c. 25. to apply to Assessments under this Act, save as otherwise provided.

What public Buildings shall be assessed.

47 G. 3. Sess. 2. c. 109. (Local.)

All Fines and Penalties to be paid to the Receiver of the Police.

and made payable to Her Majesty and Her Heirs and Successors, or to any Description of Persons (other than the Informer who shall sue for the same, or the Party aggrieved), and which shall be recoverable by or before any of the Divisional Justices of the Police District of *Dublin* Metropolis, shall be accounted for and paid into the Hands of the Receiver of the Police District of *Dublin* Metropolis, to be applied by the said Receiver towards defraying the Expences of the Police Establishment of the said District: Provided always, that nothing herein contained shall extend or apply to any Fine, Penalty, or Forfeiture provided for by any Act which may be passed in the present Session of Parliament for explaining and amending an Act of the First and Second Years of Her present Majesty, so far as relates to Fines and Penalties levied under the Revenue Laws in *Ireland*.

Divisional Justices may be employed to hear Complaints under Hackney Coach Acts.

XII. And be it enacted, That the Divisional Justices of the Police District of *Dublin* Metropolis shall, from and after the passing of this Act, have and exercise all such Rights, Powers, Privileges, Jurisdictions, and Authorities as are or may be had or exercised by the Divisional Justices of the Division in which the Castle of *Dublin* is situate in relation to Hackney and other Carriages, or any Vehicles whatsoever, or the Owners or Drivers thereof, or in relation to any Offence or Offences prohibited by a Penalty or Penalties imposed by or recoverable under any Act or Bye Law now in force, or which shall hereafter be passed or made, relating to Hackney and other Carriages, or any Vehicles whatsoever, or the Owners or Drivers thereof; and every or any One or more of the Divisional Justices of the said Police District of *Dublin* Metropolis shall attend, for the Purpose of hearing and determining Complaints in relation to any such Offences or Penalties as aforesaid, at such Place or Places within the said Police District, and at such Time or Times, as he or they may be from Time to Time directed and required by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Chief Secretary or Under Secretary, or according to any general Directions to be from Time to Time given by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

When Actions are brought against Constables the General Issue may be pleaded.

XIII. Provided always, and be it enacted, That when any Action shall be brought against any Constable appointed under the herein-before recited Act of the Sixth and Seventh Years of the Reign of His late Majesty for any Act done in obedience to a Warrant addressed to him to be executed, such Constable shall not be responsible for any Irregularity in the issuing of such Warrant, or for any Want of Jurisdiction in the Party issuing the same; and such Constable may plead the General Issue, and give such Warrant in Evidence, and upon producing such Warrant and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person has acted in the Capacity in virtue of which he may have signed the Warrant, and that the Act or Acts complained of were done in obedience to such Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable, and such Constable shall recover his Costs of Suit.

The Lord Lieutenant and Council may

XIV. And whereas the first herein-recited Act contains an Enactment in the Words following: " And be it enacted, That it shall

‘ shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, by the Advice of His Majesty’s Privy Council for *Ireland*, to order that any Parish or Place in the County of *Dublin* or County of the City of *Dublin*, of which Parish or Place any Part shall be situate within the Limits or Boundary described in the said Schedule, shall, after a certain Day to be named in such Order, be added to and form Part of the said Police District, and thereupon, and by force of such Order, such Parish or Place shall be and become to all Intents and Purposes Part of such Police District, as if the same had been originally included therein by virtue of this Act:” And whereas it is expedient to amend the said Enactment; be it therefore enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, from Time to Time, by the Advice of the said Privy Council, to order that any Parish or Place or Places in the County of *Dublin* or County of the City of *Dublin*, of which any Part shall be on the South Side of that Portion of the River *Anna Liffey* which is Eastward of Her Majesty’s Castle of *Dublin*, or on the South Side of the Bay or Harbour of *Dublin*, and shall be within Eight Miles of Her Majesty’s said Castle of *Dublin*, and within Four Miles of the said River or Bay or Harbour, shall, after a certain Day to be named in such Order, be added to and form Part of the said Metropolitan Police District, and thereupon, and by force of such Order, such Parish or Place or Places shall be and become to all Intents and Purposes Part of such Police District, as if the same had been originally included in such District by virtue of the said Act.

direct any Parishes within a certain Distance of the Metropolis to be added to the District; and such Parishes, when so added, shall be subject to all the Provisions of this Act.

XV. And be it enacted, That it shall be lawful for any Constable belonging to the Metropolitan Police Force to destroy any Dog or other Animal reasonably suspected to be in a rabid State, or which has been bitten by any Dog or Animal reasonably suspected to be in a rabid State; and the Owner of any such Dog or Animal who shall permit the same to go at large after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall, on being convicted thereof by any Justice of the Peace, forfeit and pay any Sum not exceeding Five Pounds, with Costs, if such Justice shall award the same; and in default of Payment of such Penalty and Costs, if awarded, immediately, or within such Time as such Justice shall appoint, such Justice shall and may commit the Person so convicted to the Common Gaol or House of Correction, to be there imprisoned for any Term not exceeding Two Calendar Months, unless such Penalty and such Costs, if awarded, be sooner paid.

Mad Dogs, &c.

XVI. And be it enacted, That in any Case arising within the Police District of *Dublin* Metropolis it shall and may be lawful for any Justice or Justices of the Peace to issue his or their Warrant to any Superintendent, Inspector, or Serjeant, being a Constable of Police for the said District, and his and their Assistants, for the Levy of any Penalty or the Committal of any Person, in the Form and Manner directed by the Act under which the Penalty has been or shall have been imposed.

Justices may issue Warrant for Levy of Penalty, &c.

Amount levied
to be lodged in
Bank of Ire-
land, &c.

1 & 2 Vict. c. 99.

Act may be
amended, &c.

XVII. And be it also enacted, That the said Justices shall lodge the Amount levied under or by virtue of every such Warrant with the Justices appointed under the said Act of the Sixth and Seventh Years of His said late Majesty King *William* the Fourth, and shall make out and transmit to the said last-mentioned Justices, in such Form and at such Times and verified in such Manner as the Chief Remembrancer of Her Majesty's Court of Exchequer in *Ireland* shall direct or require, a just and true Account of all Fines, Penalties, Deodands or Amerciaments, Recognizances or Issues, imposed, estreated, or directed to be levied in their respective Courts or Offices, or by them respectively, together with an Account of the Amount levied, and the Application and Distribution thereof, as also the Cause of the Non-execution of any Warrant which shall not have been executed; and the said Justices so appointed under the said last-recited Act shall lodge the Amount so received by them in the Bank of *Ireland* to the Credit of the Paymaster of Civil Services in *Ireland*, to be distributed in the Manner directed by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in Ireland, and for the Application and Distribution thereof*; and the said last-mentioned Justices shall account to the said Chief Remembrancer, in such Manner and Form and at such Periods as he shall direct, for the Amount so lodged by them; and the said Chief Remembrancer shall have the same Power and Authority for issuing to the Justice or Justices by whom the aforesaid Warrants shall have been issued any Warrant or Warrants as the said Chief Remembrancer is authorized and empowered to issue by virtue of the said last-mentioned Act to any Sub-Inspector or Justice of the Peace.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

I *A.B.* Occupier of [*describe the Property as nearly as possible in the Manner in which it is described in the Valuation*], in respect of which *B.C.* [*the Lessor*] is now rated, hereby require to be rated as the Occupier of the same; and I do hereby undertake to pay all Rates lawfully made in respect of such Property under the Authority of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her Majesty Queen Victoria, to make further Provisions relating to the Police in the District of Dublin Metropolis.

A.B.

C A P. LXXIX.

An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in *Ireland*. [24th August 1839.]

‘ WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend*
3 & 4 W.4. c. 68. ‘ the

‘ *the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail, in Ireland*: And whereas an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of His said late Majesty, intituled *An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled ‘ An Act to amend the Laws relating to Excise Licences, and to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland:’* And whereas it is expedient to make further Provision for the better Prevention of the Sale of Spirits by unlicensed Persons in *Ireland*:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Two or more Justices of the Peace, whether in or out of Petty Sessions, upon being satisfied, by the personal Examination on Oath of a credible Witness, that there is reasonable Ground for suspecting that Spirits are sold or kept for Sale in any House or Place within the County not licensed for the Sale thereof, or by some Person not having a Licence to sell Spirits in or at such House or Place, to grant a Warrant under their Hands and Seals, authorizing One of such Justices, or any other Justice of the Peace, or, within the Police District of *Dublin* Metropolis, any Superintendent, Inspector of Police, or in any other Part of *Ireland* any Sub-Inspector or Chief Constable of Police, with his Assistants, respectively, to enter such House or Place, at all Times in the Day between Sunrise and Sunset, to search for Spirits, and if any such shall be found in such House or Place, without a Permit or other legal Authority justifying the keeping thereof, to seize, and deliver the same to the next Excise Officer of the District; and such Warrant shall continue in force for Seven Days from the Day of the Date thereof, and shall be a sufficient Authority to the Justice of the Peace, Superintendent, Inspector, Sub-Inspector, or Chief Constable therein named, and his Assistants respectively, in his Presence, to enter into such House or Place, and seize all Spirits there illegally being, and to carry away and deliver the same to the next Revenue Officer, to be dealt with according to Law.

Justices to grant Warrant for the Seizure of Spirits sold in Places not being licensed.

II. And be it enacted, That if any Person, not being duly licensed to sell Beer, Cider, or Spirits, shall at any Time after the passing of this Act keep for Sale any Beer, Cider, or Spirits, he shall for every such Offence, in addition to any other Penalty to which he is liable, forfeit a Sum not exceeding Two Pounds, and such Sum shall and may be recovered as any other Penalty under the said recited Act of the Third and Fourth Years of the Reign of King *William* the Fourth or this Act; and in every Proceeding to recover such Penalty it shall be sufficient to prove that such Beer, Cider, or Spirits was kept for Sale by such Person, or on his Premises with his Knowledge, and thereupon the Person charged shall be convicted, unless he shall prove that at the Time of so keeping the same he was duly licensed to sell the Beer, Cider, or Spirits so kept for Sale.

Penalty on unlicensed Persons selling Beer, &c..

III. And be it enacted, That so much of the said Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, whereby it is enacted, that if any Person not

Repeal of 6 & 7 W. 4. c. 38. s. 18.

licensed to sell Beer, Cider, or Spirits, to be consumed on the Premises, shall after the passing of that Act permit or suffer any Beer, Cider, or Spirits to be consumed on any Premises occupied by him, or in which his Trade or Business is carried on, he shall for every such Offence forfeit a Sum not exceeding Two Pounds, shall be and the same is hereby repealed.

Justices empowered to grant Warrant for entering unlicensed Premises; and Persons found therein to be fined 5s.

IV. And be it enacted, That if, during the Space of Five Years from the passing of this Act, any Officer or Constable of Police shall make Oath in Writing, to be by him taken and subscribed before a Justice of the Peace within his Jurisdiction, (which Oath every such Justice is hereby empowered to administer and receive,) that he the said Officer or Constable has good Reason to believe that Spirits are retailed or sold without a Licence, or kept for Sale without Licence, in any Room, House, or other Place within the said District, at or over the outer Door of which Room, House, or Place no Sign or Notice is posted or written, importing that the Owner or Occupier thereof is licensed to sell Spirits, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to authorize and empower, within the Police District of *Dublin* Metropolis, any Justice, or Superintendent, Inspector of Police, and in any other Part of *Ireland* any Justice or Sub-Inspector or Chief Constable of Police, to enter into any such Room, House, or other Place as aforesaid, at or over the outer Door of which no such Sign or Notice shall be posted or written; and if any Person shall be found to be or to have recently been drinking or tipping on such unlicensed Premises as aforesaid, at or over the outer Door of which no such Sign or Notice shall be posted or written, and in which Spirits shall be then sold or kept for Sale, such Person shall and may be lawfully apprehended, and forthwith carried and conveyed before the nearest Justice of the Peace, and upon Conviction of his having been found in such unlicensed Premises at or over the outer Door of which no such Sign or Notice shall be so posted or written, and in which Spirits were then sold or kept for Sale, and to have been so drinking or tipping there, shall forfeit and pay any Sum not exceeding Five Shillings, and in default of Payment thereof shall and may be committed to the Common Gaol, House of Correction, or Bridewell for any Time not exceeding Twenty-four Hours.

Penalty on Persons delaying to admit Justice, &c.

V. And be it enacted, That if any Person occupying such Premises, or any Person aiding or assisting such Occupier, on Demand made of Entrance by such Justice, Superintendent, Inspector, Sub-Inspector, or Chief Constable respectively, and on his stating that he seeks to enter by virtue of a Warrant from a Justice of the Peace (which Warrant he shall produce, when required so to do), shall delay to admit such Justice, Superintendent, Inspector, Sub-Inspector, or Chief Constable into such Premises, for the Purpose of executing such Warrant as aforesaid, such Person shall forfeit and pay a Sum not exceeding the Sum of Two Pounds, unless Proof shall be made, to the Satisfaction of Two Justices who may hear the Complaint, that there was reasonable Cause for giving such Delay: Provided always, that if any Person shall maliciously or without probable Cause make such Oath, or enter such Premises, or take or apprehend any Person who shall not be or shall not have recently been tipping therein, he shall, in case the Party aggrieved

aggrieved shall so elect, pay to such Party a Sum not less than One Pound nor more than Five Pounds, in lieu of any Damages to which such Party may be entitled, to be recovered by Civil Bill before the Chairman, or Assistant Barrister, or Recorder having Jurisdiction in Actions by Civil Bill in the Place where such Oath shall have been taken, or where such Premises shall be situate, or where such Person shall be so taken or apprehended: Provided also, that for the Purpose of such Conviction as last aforesaid Proof that Spirits were so sold or kept for Sale in such Room, House, or Place, and that at or over the outer Door thereof no such Sign or Notice was posted or written where such Person was so found therein, shall be sufficient Evidence that no Licence then existed for selling Spirits there, until the contrary be proved.

VI. Provided always, and be it enacted, That nothing herein contained shall extend to prohibit any Person or Persons duly licensed to sell Beer, Cider, or Perry by Retail, to be drank or consumed in his, her, or their House or Premises, or any Retailer of Spirits (not being a Retailer of Spirits in *Ireland* licensed as a Grocer to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper), or any Retailer of Foreign Wine, or Retailer of Sweets or Made Wines, or of Mead or Metheglin, he or she being duly licensed respectively for such respective Purpose, to carry on his or her Trade or Business for which he or she respectively shall be so licensed as aforesaid in Booths, Tents, or other Places, at the Time and Place and within the Limits of holding any lawful and accustomed Fair by virtue of any Law or Statute in that Behalf, or any public Races, or shall authorize the Seizure of Spirits in any such Booth, Tent, or other Place within the Limits aforesaid, in which such Person so licensed shall so carry on his Trade, or the taking or apprehending of any Person therein at any Time or Hour during which the Sale of Spirits is not prohibited by Law.

Persons duly licensed to sell Beer, &c. may carry on Business in Booths, &c. at Fairs, &c.

VII. And be it enacted, That, except so far as is herein otherwise provided, all Penalties and Forfeitures imposed by this Act, and the legal Costs of the Conviction, if awarded, shall be sued for, levied, recovered, mitigated, and distributed, and any Conviction under this Act shall be appealed from, by such Ways, Means, and Methods, and in such Manner, as by the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth is directed, provided, and enacted with respect to any Penalty or Forfeiture thereby created or imposed; and that in every respect, save where it is hereby otherwise provided, the said recited Act, and every Clause, Matter, and Thing therein contained, shall apply to the several Penalties and Forfeitures imposed by this Act, and to the several Offences hereby created, as if the same were herein re-enacted.

The Penalties hereby imposed may be recovered in the same Manner as is directed by the recited Act 3 & 4 W. 4. c. 68. save as altered by this Act.

VIII. And be it enacted, That every Conviction to be had under this Act shall and lawfully may be drawn up in the Form following, or in any other Form of Words to the same Effect; (that is to say,)

Form of Conviction.

‘ to wit. } **BE** it remembered, That on the Day of
 ‘ **A.B.** is convicted before us, Two of Her Majesty’s Justices of in the Year of our Lord
 H h 4 ‘ the

‘ the Peace of the said County [or City or Town, as the Case may be], on the Oaths of *C.D.*, &c. [as the Case may be], in the Sum of _____ Pounds, for that [here specify the Offence, and when and where committed]. Given under our Hands and Seals the Day and Year above written.’

Interpretation Clause.

IX. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXXX.

An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis. [24th August 1839.]

4 G. 4. c. 50.

‘ WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the rebuilding of London Bridge, and for improving and making suitable Approaches thereto*, the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, were empowered and directed to cause a new Bridge to be erected across the River *Thames* as therein is mentioned, and to make a spacious and convenient Street, Way, or Passage at each End of the said intended Bridge: And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Approaches to London Bridge*, reciting amongst other things the said in part recited Act, and reciting, that the Fund called “The Orphans Fund” was established by an Act passed in the Fifth and Sixth Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for the Relief of the Orphans and other Creditors of the City of London*, and the said Fund had been from Time to Time charged with considerable Sums of Money for defraying the Expences of several public Works, and that the principal Parts of the said Fund consisted of the Imposition, Rate, or Duty of Four-pence Metage, over and above what was otherwise lawfully paid for the Metage thereof, for every Chaldron of Coals or Culm imported or brought into the Port of the said City of *London*, or the River of *Thames* within the Liberty of the said City, to be sold by the Chaldron or Ton, imposed by the said Act of the Fifth and Sixth Year of the Reign of King *William* and Queen *Mary*, and also of the Imposition, Rate, or Duty of Sixpence for every Chaldron or Ton of all Coals or Culm usually sold by the Chaldron or Ton imported into the Port of *London*, or Members thereof, imposed by the said Act of the Fifth and Sixth Year of the Reign of King *William* and Queen *Mary*, from *Michaelmas Day* One thousand seven hundred, for the Term of Fifty Years, and continued for the Term of Thirty-five Years

10 G. 4. c. cxxvii.

5 & 6 W. & M. c. 10.

' from the Expiration of the said Term of Fifty Years by an Act
 ' passed in the Twenty-first Year of the Reign of His Majesty
 ' King *George* the Second, intituled *An Act for the further Relief* 21 G. 2. c. 29.
 ' of the Orphans and other Creditors of the City of London, and
 ' for other Purposes therein mentioned, and further continued for
 ' the Term of Forty-six Years from the Expiration of the said
 ' Term of Thirty-five Years by an Act passed in the Seventh Year
 ' of the Reign of His late Majesty King *George* the Third, inti- 7 G. 3. c. 37.
 ' tuled *An Act for completing the Bridge across the River Thames*
 ' from Blackfriars in the City of London to the opposite Side in
 ' the County of Surrey, and the Avenues thereto on the London
 ' Side; for redeeming the Tolls on the said Bridge and on London
 ' Bridge; for rebuilding the Gaol of Newgate in the said City; for
 ' repairing the Royal Exchange within the same; for embanking
 ' Part of the North Side of the said River within certain Limits;
 ' and for further continuing towards those Purposes the Imposition
 ' of Sixpence per Chaldron or Ton of Coals and Culm imported
 ' into the Port of the said City, established by an Act of the
 ' Fifth and Sixth Year of the Reign of King William and Queen
 ' Mary; and also for carrying on the new Pavements in the City
 ' and Liberties of Westminster and Borough of Southwark; and
 ' for other Purposes therein mentioned; and further continued for
 ' the Term of Five Years and Three Quarters of a Year from the
 ' Expiration of the said Term of Forty-six Years by an Act passed
 ' in the Forty-fourth Year of the Reign of His said late Majesty, 44 G. 3. c. 27.
 ' intituled *An Act for raising an additional Sum of Money for* (Local.)
 ' carrying into execution several Acts for widening the Entrance
 ' into the City of London near Temple Bar; for making a more
 ' commodious Street at Snow Hill; and for raising on the Credit
 ' of the Orphans Fund certain Sums of Money for those Purposes;
 ' and also for enlarging the Powers of the said Acts; and also re-
 ' citing, that the said Term of Five Years and Three Quarters of
 ' a Year would expire on the Fifth Day of *July* One thousand eight
 ' hundred and thirty-seven; and reciting, that the Surplus of the
 ' said Fund had been from Time to Time applied according to
 ' the Directions of the several Acts of Parliament relating thereto,
 ' and thereby the Capital Debt due to the Orphans of the said City
 ' of London had been annihilated, and the Capital Debt due to
 ' the other Creditors of the City of London, and charged upon
 ' the said Fund before the passing of the now-reciting Act, was on
 ' the Twenty-eighth Day of *January* then last reduced to the Sum
 ' of Two hundred and nine thousand nine hundred Pounds, and
 ' it was probable that if no further Charge or Incumbrance were
 ' made on the said Fund the whole of the said Capital Debt
 ' would be paid off and discharged by the Fifth Day of *April* One
 ' thousand eight hundred and thirty-two; and reciting, that if an
 ' Imposition, Rate, Duty, or Sum of Sixpence for every Chaldron
 ' or Ton of Coals or Culm was created for the Term of Twenty-
 ' one Years, to commence on the said Fifth Day of *July* One
 ' thousand eight hundred and thirty-seven, when the said like
 ' Imposition, Rate, Duty, or Sum of Sixpence for every Chaldron
 ' or Ton of Coals or Culm would determine as aforesaid, there was
 ' a reasonable Probability that the Produce thereof, and of the said
 ' Imposition, Rate, or Duty of Fourpence for every Chaldron of
 ' Coals

‘ Coals or Culm, would be sufficient to pay off by or before that
 ‘ Time the further Sum of One million Pounds, with Interest thereon
 ‘ in the meantime after the Rate of Four Pounds *per Centum per*
 ‘ *Annum*, although the other Charges forming Part of the said
 ‘ Fund should be discontinued, to be applied to the Purposes
 ‘ thereof after the whole of the Capital Debt then charged thereon
 ‘ should have been paid off, and such Sum of One million Pounds
 ‘ might be applied, together with the Residue (if any), which should
 ‘ remain after the Completion of the said new Bridge, of the Monies
 ‘ to be advanced, raised, and supplied by virtue of the said therein
 ‘ recited Acts, in Payment of the Costs, Charges, and Expences of
 ‘ making more convenient Approaches to the said Bridge ; it was
 ‘ by the said Act now in recital enacted, that it should be lawful
 ‘ for the said Mayor, Aldermen, and Commons of the said City of
 ‘ *London*, in Common Council assembled, to cause spacious and
 ‘ convenient Streets, Ways, Passages, and Places to be designed,
 ‘ laid out, opened, widened, and made for making convenient and
 ‘ suitable Approaches to the said new Bridge, with Branches and
 ‘ Communications thereto, as therein is mentioned ; and that for
 ‘ the Purposes aforesaid it should be lawful for the said Mayor,
 ‘ Aldermen, and Commons, in Common Council assembled, to bor-
 ‘ row and raise any Sum or Sums of Money, not exceeding in the
 ‘ whole the Sum of One million Pounds, upon the Credit of the
 ‘ Fund created by the now-reciting Act as therein is mentioned,
 ‘ and that the Fund created by the now-reciting Act should be and
 ‘ the same was thereby charged and made chargeable (subject to
 ‘ any Mortgage or Mortgages to be made to the Solicitor of His
 ‘ Majesty’s Treasury as therein mentioned) with the Annuities
 ‘ which should be secured by the Bond or Bonds to be executed
 ‘ as therein directed for securing the Repayment of the Sum or
 ‘ Sums of Money which should be borrowed as therein men-
 ‘ tioned ; and it was thereby further enacted, that for providing a
 ‘ Fund for the Purposes of the now-reciting Act, after the said
 ‘ Fifth Day of *July* One thousand eight hundred and thirty-
 ‘ seven, when the said Imposition of Sixpence for every Chal-
 ‘ dron or Ton of Coals or Culm so made and continued as
 ‘ aforesaid should cease, a like Imposition, Rate, or Duty of Six-
 ‘ pence for every such Chaldron of Coals and Culm and Small
 ‘ Coal imported into the Port of *London*, or the River *Thames*
 ‘ within the Liberty of the said City, should be and was thereby made
 ‘ payable for the Term of Twenty-one Years to be computed from
 ‘ the said Fifth Day of *July* One thousand eight hundred and
 ‘ thirty-seven, unless the Sums of Money charged thereon should
 ‘ be sooner paid off and discharged, and in the same Manner in
 ‘ all respects as the said Imposition, Rate, or Duty of Sixpence
 ‘ was then payable ; and it was thereby further enacted, that when
 ‘ and so soon as all the said Principal Sums raised and bor-
 ‘ rowed and all the Annuities charged on the said Fund called
 ‘ “The Orphans Fund” should have been paid off and discharged,
 ‘ then and from thenceforth the said Imposition, Rate, or Duty
 ‘ of Four-pence for *Metage per* Chaldron upon Coals and Culm,
 ‘ granted to the said Mayor and Commonalty and Citizens by the
 ‘ said Act of the Fifth and Sixth Year of the Reign of King *Wil-*
 ‘ *liam* and Queen *Mary*, should be appropriated to and form Part

of the Fund created by the now-reciting Act for the Purposes thereof, until the Sums of Money charged thereon should be paid off and discharged: And whereas by an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make further Provision for defraying the Expences of making the Approaches to London Bridge, and the Removal of Fleet Market*, it was (amongst other things) enacted, that all the Funds which before and at the Time of the passing of the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, constituted and formed the Fund called "The Orphans Fund," including the Duty of Four Shillings *per* Tun upon Wine imported into the Port of *London* or the Members thereof, by way of Merchandize, and the Sum of Two Shillings and Sixpence to be paid by every Apprentice at the Time of his binding to any Master who was a Member of any of the respective Companies within the City of *London* and the Liberties thereof, and the Sum of Five Shillings to be paid by every Person admitted to be a Freeman of the City of *London* at the Time of his Admission, and also all the Aqueducts and Right of bringing and conveying Water, and all the Improvements thereof, and Rents, Profits, and Benefits which might arise therefrom, and also the several annual Sums of Eight thousand Pounds, Two thousand Pounds, and One thousand five hundred Pounds respectively charged, by several Acts passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, the Twenty-first Year of the Reign of King *George* the Second, and the Seventh Year of the Reign of King *George* the Third respectively, upon the Estates and Revenues of the Mayor and Commonalty and Citizens of the City of *London*, free from all other Charges whatsoever, should, from and after the passing of the said recited Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth, be held chargeable and should be charged with the raising and paying off the Capital Sum of One million Pounds, with Interest thereon, allowed to be raised under the Provisions of the said before-recited Act for executing the Improvement of the said Approaches, in addition to the Capital Debt remaining charged thereon before the passing of the said Act; and all such several and respective Funds as were not permanent should, after all the Principal Sums raised and borrowed, and all the Annuities charged upon the said Fund called "The Orphans Fund," and then due and owing, had been paid off and discharged, be continued, and the whole thereof be applicable to the Purposes of the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth and of the now-reciting Act, until the Sums charged and to be charged thereon by virtue of the same Acts respectively should be paid off and discharged; and it was further enacted, that it should be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, at any Time or Times after the passing of the now-reciting Act, to borrow and raise any Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds, upon the Credit of the Fund created for improving the Approaches to *London Bridge* as aforesaid: And

11 G. 4. &
 1 W. 4. c. lxiv.

whereas

' whereas by an Act passed in the First and Second Year of the
 ' Reign of Her present Majesty, intituled *An Act for improving*
 1 & 2 Vict. c. c. ' *the Site of the Royal Exchange in the City of London, and the*
 ' *Avenues adjoining thereto*, it was enacted, that, for the Purposes
 ' of that Act it should be lawful for the said Mayor, Aldermen,
 ' and Commons, in Common Council assembled, to borrow and
 ' raise any Sum or Sums of Money, not exceeding in the whole
 ' the Sum of One hundred and fifty thousand Pounds, upon the
 ' Credit of the Fund created for improving the Approaches to
 ' *London Bridge* by the said respective Acts of the Tenth and
 ' Eleventh Years of the Reign of His late Majesty King *George*
 ' the Fourth as aforesaid; and it was further enacted, that the
 ' Fund created for improving the Approaches to *London Bridge*
 ' as aforesaid should be and the same was thereby charged and
 ' made chargeable with the Annuities which should be secured by
 ' the Bond or Bonds to be executed as therein directed for
 ' securing the Repayment of any Sum or Sums of Money which
 ' might be borrowed as therein mentioned; and it was thereby
 ' further enacted, that all such several and respective Funds con-
 ' stituting or forming Part of the said Fund created for improving
 ' the Approaches to *London Bridge* as were not permanent, after
 ' all the Principal Sums raised and borrowed and all the Annuities
 ' charged upon the said Fund, and then due and owing, had been
 ' paid off and discharged, should be and were thereby continued
 ' until the Annuities and Sums charged and to be charged thereon
 ' by virtue of the now-reciting Act should be paid off and dis-
 ' charged; provided nevertheless, that the Rates or Duties which
 ' by the said Act of the Tenth Year of the Reign of King *George*
 ' the Fourth were continued for a Term which would expire on
 ' the Fifth Day of *July* One thousand eight hundred and fifty-
 ' eight, unless the Sums charged thereon should be sooner paid off
 ' and discharged, should not be continued by the now-reciting Act
 ' beyond the said Fifth Day of *July* One thousand eight hundred
 ' and fifty-eight: And whereas, in order to remove many of the
 ' existing Obstructions which now impede the main Lines of
 ' Communication in several Parts of the Metropolis, and for
 ' creating new and commodious Thoroughfares in such Districts,
 ' so as to afford additional Facilities of Intercourse, it hath been
 ' proposed to open a convenient Thoroughfare from the End of
 ' *Coventry Street* to the Junction of *Newport Street* and *Long*
 ' *Acre*, and to continue the Line of Street from *Waterloo Bridge*
 ' already completed to *Bow Street*, from thence Northward into
 ' *Broad Street, Holborn*; to extend *Oxford Street* in a direct
 ' Line through *Saint Giles's* so as to communicate with *Holborn*
 ' at or near *Southampton Street*; and to open a spacious
 ' Thoroughfare between the populous Neighbourhood of *White-*
 ' *chapel* and *Spitalfields* and the Docks and Wharfs of the River
 ' *Thames*, by widening the Northern and Southern Extremities of
 ' *Leman Street*, and by creating a new Street from the Northern
 ' Side of *Whitechapel* to the Front of *Spitalfields* Church: And
 ' whereas it is expedient that the carrying into effect such several
 ' Alterations and Improvements should be placed under the Direc-
 ' tion and Superintendence of the Commissioners of Her Majesty's
 ' Woods, Forests, Land Revenues, Works, and Buildings, subject

‘ to the Approbation of the Lord High Treasurer or the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being: And whereas the Income of certain of the several Funds herein-before mentioned charged by the said recited Acts of the Tenth Year of the Reign of His late Majesty King *George* the Fourth, the Eleventh Year of the Reign of His said Majesty, and the First and Second Year of the Reign of Her present Majesty, with the Repayment of the several Sums thereby authorized and directed to be raised for the several Purposes therein mentioned, hath so much increased as to render it probable that if the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings were empowered to raise the Sum of Two hundred thousand Pounds on the Credit of the said several Funds (such Sum of Two hundred thousand Pounds to be applied by them towards the making and completing the several Alterations and Improvements herein-before mentioned), the Surpluses of such Funds would be amply sufficient to pay the Interest thereof, and also to pay off, on or before the Fifth Day of *July* One thousand eight hundred and fifty-eight, the Principal thereof, as well as the Principal Sums of Money and Interest and Annuities now remaining charged thereon: And whereas the said Mayor, Aldermen, and Commons, in Common Council assembled, have consented that the said several annual Sums of Eight thousand Pounds, Two thousand Pounds, and One thousand five hundred Pounds, and also the other Payments contributed by them towards the said Improvement Fund, shall be charged, together with the said Duties on Coals, with the further Sum of Two hundred thousand Pounds: And whereas the several Purposes aforesaid cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings shall be and they are hereby appointed Commissioners for executing and completing the several Alterations and Improvements herein-before mentioned, and for carrying the Purposes of this Act into execution; and all Acts, Matters, and Things authorized or necessary to be done and executed by the said Commissioners in pursuance of this Act may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

Appointment of Commissioners of Woods, &c. to be the Commissioners of this Act.

II. And be it enacted, That for providing a Fund for the Purposes of this Act it shall be lawful for the Commissioners of Her Majesty’s Woods, Forests, Land, Revenues, Works, and Buildings for the Time being, from Time to Time, with the Consent of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or of the Commissioners for executing the Office of Lord High Treasurer of the said United Kingdom, or any Three or more of them, to charge the Funds herein-after mentioned, and

Commissioners of Woods, &c. empowered to charge the Funds after mentioned with any Sum not exceeding 200,000*l.*

made

made subject as after mentioned, with the Payment of any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds, together with Interest on the Sum or Sums to be charged, from the Time of charging the same, not exceeding Five *per Centum per Annum*, to be payable half-yearly.

Funds made chargeable for the Purposes of Act.

III. And be it enacted, That the said Fund called "The Orphans Fund," and the Fund called "The *London Bridge* Approaches Fund," and all and singular the Funds, Duties, Impositions, and Revenues created, constituted, imposed, or continued by the said recited Acts of the Tenth Year of the Reign of King *George* the Fourth, the Eleventh Year of the Reign of King *George* the Fourth, and the First and Second Years of the Reign of Her present Majesty, or any or either of them, shall be the Fund to be charged by Her Majesty's said Commissioners, and shall be applicable, after the Sums already borrowed thereon shall have been paid off and discharged, to the Payment of all such Monies as may be so charged thereon by the Commissioners for executing this Act, and the Interest thereof, until the Sum or Sums and Interest to be charged thereon as last aforesaid shall be paid off and discharged.

Funds to be applied in Payment of Monies to be charged thereon.

IV. And be it enacted, That the Funds so to be charged as aforesaid shall (subject as aforesaid) be paid and applied in satisfaction and discharge of all Monies to be charged thereon by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as aforesaid, and the Interest thereof, in such Manner and from Time to Time as the same shall be received and as the said Commissioners for executing this Act shall order and direct.

Commissioners of Woods empowered to raise 200,000*l.* on the Credit of the Fund.

V. And be it enacted, That for the Purposes of this Act it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by and with the Consent and Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to borrow and raise any Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, upon the Credit of the said Monies and Interest so charged, and thereupon to assign and dispose of the Principal Monies and Interest which the said Commissioners are hereby authorized to charge as aforesaid, in such Shares, and by way of Debenture or otherwise, and with such Priorities and in such Manner as the said Commissioners shall think fit, as a Security for the Monies so to be borrowed; and such Monies so to be raised shall be paid into the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by such Instalments, in such Proportions, at such Times, and in such Manner as the said Commissioners shall direct.

Treasury empowered to advance Monies out of the Consolidated Fund on the Credit of the Fund made chargeable by this Act.

VI. And be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, if he or they shall think it expedient, from Time to Time to advance and lend out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, free and clear of all Fees and Deductions whatsoever, any Sum or Sums of Money for the Purposes of this Act, not exceeding the
Sum

Sum of Two hundred thousand Pounds, on the Credit of the said Monies which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are hereby authorized to charge, upon such Security being given for the Repayment thereof, with such Rate of Interest not exceeding Five Pounds *per Centum per Annum*, and at such Times and Manner, as the said Lord High Treasurer or Commissioners, or any Three or more of them, shall direct.

VII. And be it enacted, That the Repayment of every Sum or Sums of Money which shall be lent by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, by virtue of this Act, together with Interest thereon, shall, subject to any Assignment or Charge which may have already been made by the Commissioners for the Execution of this Act, be secured by an Assignment to the Solicitor for the Time being of Her Majesty's Treasury, his Executors, Administrators, and Assigns, in Trust for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, of the said Sum of Two hundred thousand Pounds, and Interest, which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are hereby authorized to charge as aforesaid, or of such Part thereof as the said Lord High Treasurer or any Three of the Commissioners of Her Majesty's Treasury for the Time being shall direct; and such Assignment shall be made in such Form as the said Lord High Treasurer or any Three of the Commissioners of Her Majesty's Treasury for the Time being shall direct: Provided nevertheless, that it shall be lawful for the said Lord High Treasurer or any Three of the Commissioners of Her Majesty's Treasury for the Time being to make any such Loan or Advance as aforesaid, notwithstanding the Income of the aforesaid Fund, so to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, may not at the Time of making such Advance be sufficient to pay the Interest of the Monies so advanced by reason of the prior Charges thereon, but nevertheless so as the same Fund shall continue liable to the Payment of such Interest as well as the Principal Monies charged thereon; and further, that when any Monies may be borrowed by the said Commissioners for executing this Act, in pursuance of the Powers herein contained, from any Person or Persons, Bodies Politic or Corporate, it shall and may be lawful for the Lord High Treasurer or any Three of the Commissioners of Her Majesty's Treasury for the Time being, on any such Loan, to guarantee the Payment of the Interest of the Money so to be borrowed as aforesaid, or any Part thereof, by half-yearly Payments, and for that Purpose to charge the same on the Consolidated Fund aforesaid, yet nevertheless such Charge on the Consolidated Fund as aforesaid shall only be considered as a collateral Security for such Interest; and the Interest of the said Monies hereby authorized to be charged by the said Commissioners for executing this Act shall continue payable when and as there shall be Funds sufficient to answer the same, and shall be applied in satisfaction of any Monies which may have been advanced out of the said Consolidated Fund for the Purpose aforesaid.

Security for the
Repayment of
such Monies.

VIII. And

The Fund continued until the Sums charged thereon by this Act are paid.

VIII. And be it enacted, That such Parts of the Fund hereinbefore made applicable to the Purposes of this Act, and which are hereby authorized to be charged, as are not permanent, after all the Principal Sums raised and borrowed, and all the Annuities charged upon the said Fund, and now due and owing, have been paid off and discharged, shall be and are hereby continued, in all respects as is directed by the said Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, until the Sums charged and to be charged thereon by virtue of this Act shall be paid off and discharged: Provided nevertheless, that the Rates or Duties which by the said Act of the Tenth Year of the Reign of King *George* the Fourth were continued for a Term which will expire on the said Fifth Day of *July* One thousand eight hundred and fifty-eight, unless the Sums of Money charged thereon should be sooner paid off and discharged, shall not be continued by this Act beyond the said Fifth Day of *July* One thousand eight hundred and fifty-eight.

Application of the Monies borrowed under this Act.

IX. And be it enacted, That the Sum and Sums of Money which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are hereby authorized to charge, or which may be borrowed and taken up at Interest by the said Commissioners in pursuance of the Powers of this Act, shall be applied, in the first place, in paying all the Charges and Expences of or incident to or incurred in the obtaining and passing this Act and any other Act for the Purpose of making and completing the said Improvements, and afterwards in paying and discharging the necessary Expences of surveying, designing, laying out, making, and completing the Streets and other Improvements which are to be made and done by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in such Manner as may be provided in any Act to be passed for that Purpose.

Commissioners empowered to cause Surveys and Plans to be made of intended Streets, &c.

X. And be it enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and empowered, by and with the Consent and Approbation in Writing of the Lord High Treasurer of *Great Britain*, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to cause proper Surveys and Plans to be made of the Direction of the said intended Thoroughfares or Streets, and to submit the same for Approval to the Lord High Treasurer of *Great Britain*, or the Commissioners for executing the Office of Lord High Treasurer.

Power to Commissioners and their Surveyors, &c. to enter upon Houses, &c. for surveying or valuing.

XI. And be it enacted, That it shall be lawful for the said Commissioners for executing this Act, and for their Surveyor or Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day, upon giving Notice in Writing for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the Tenements and Hereditaments which in the Opinion of the Commissioners for executing this Act it may be necessary to survey or inspect for the Purposes of this Act, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to

any

any Fine, Penalty, or Punishment, on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments, for the Damages that shall be thereby occasioned: Provided nevertheless, that if the Owners or Occupiers of any such Tenements or Hereditaments respectively shall be apprehensive of Damage from such Entry and Survey being made, and shall forbid the same by Notice in Writing to the said Commissioners or their Surveyors, it shall not be lawful to the said Commissioners, or their Surveyors, Officers, or Workmen, to enter into or upon the Tenements or Hereditaments to which such prohibitory Notice shall apply, without first obtaining the Consent of the Owners or Occupiers of such Tenements or Hereditaments respectively.

XII. And be it enacted, That the Receipts in Writing of the said Commissioners for the Execution of this Act, for any Monies payable to them under or by virtue of this Act, shall be sufficient Discharges for the same to the Persons paying the same, who shall not afterwards be liable for any Misapplication thereof: Provided nevertheless, that it shall be lawful for the Commissioners for the Execution of this Act to invest all or any Part of the Monies which may be raised for the Purposes of this Act, in the Names of them, or of any Two of them, in the Purchase of the Public Stocks or Funds of *Great Britain*, or in the Purchase of Exchequer Bills, as a temporary Investment, until such Monies shall be wanted for the Purposes of this Act.

XIII. Provided always, and be it enacted, That, subject as aforesaid, all Sums of Money, Bills, and Drafts which shall be received by the said Commissioners for executing this Act shall from Time to Time, within Two Days after the same shall have been received, or within Two Days after any Bill shall have been accepted, completed, and perfected, if the same shall not be accepted, completed, and perfected at the Time it shall be received by the said Commissioners, be paid by them into the Hands of the Governor and Company of the Bank of *England*, for which the Receipt of the Cashier or Cashiers of the said Governor and Company shall be a sufficient Discharge; and all such Monies, Bills, and Drafts so to be paid to the said Governor and Company shall from Time to Time be placed to an Account to be raised in the Books of the said Governor and Company, intituled "The Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings making the Improvements in the Metropolis," and shall be applied and disposed of by the said Commissioners for executing this Act for and towards the carrying the several Purposes thereof into execution.

XIV. Provided nevertheless, and be it enacted, That it shall and may be lawful for the said Commissioners for executing this Act to reserve out of the Monies to be received by them by virtue of this Act, for casual and ordinary Payments for the Purposes thereof, in the Hands of any private Banker, to be nominated by any Writing under the Hand of the said Lord High Treasurer, or the Hands of the said Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, a Sum not exceeding Five hundred Pounds, to be drawn for by the said Commissioners for executing this Act, or any One of them; and if at any Time the Sum so reserved shall be reduced below Three hun-

Receipts of Commissioners to be sufficient Discharges.

Commissioners to invest the Monies.

Monies to be paid into the Bank of England.

Commissioners may retain a Sum for current Expences in the Hands of a private Banker.

dred Pounds, then it shall be lawful for the Commissioners for executing this Act from Time to Time to make up the same to the Sum of Five hundred Pounds by Drafts under their Hands upon the Funds to be deposited in the Hands of the Governor and Company of the Bank of *England* as aforesaid.

Drafts on the Bank of England to specify the particular Service.

XV. And be it enacted, That the Commissioners for executing this Act shall make all Payments required to be made out of the Monies to be deposited in the Bank of *England* by Drafts under their Hands on the said Bank, and shall specify on each such Draft the particular Service, or other Charge, Purpose, or Cause for which such Draft shall be given, and every such Draft shall also have marked in the Margin thereof a Figure corresponding to the Page in a Book to be kept by the said Commissioners, wherein Entry shall be made of the particular Service, Salary, or other Charge, Purpose or Cause, for which such Draft shall be given.

Drafts shall be Authority to the Bank.

XVI. And be it enacted, That all Drafts drawn pursuant to the Directions of this Act, but not otherwise, shall be sufficient Authority to the Bank of *England* to pay the Amount thereof to the Persons mentioned in such Drafts, or to the Bearer of them; and that the said Commissioners for executing this Act, observing the Rules and Regulations hereby prescribed, shall not be answerable, either collectively or individually, for any Money which the said Commissioners, or any or either of them, shall have so paid into the Bank of *England*; and that the Governor and Company of the Bank of *England* shall be answerable for all Monies which shall be actually received by them from such Commissioners.

An Account to be laid before Parliament yearly.

XVII. And be it enacted, That there shall be yearly laid before each House of Parliament, within Ten Days after the meeting of Parliament, a true Account, made up to the Thirty-first Day of *December* in the preceding Year, of the Receipts and Applications of the Sums of Money which shall be received and are directed to be applied by virtue of this Act.

The Commissioners exempted from personal Responsibility.

XVIII. And be it enacted, That nothing contained in this Act, or to be contained in any Mortgage or Mortgages, Conveyance, Lease, or other Instrument or Instruments which shall be made, given, and created by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for any of the Purposes of this Act, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or any of their proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed or Instrument to be contained on the Part of the same Commissioners or any of them, but the Amount of all Sums, Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners or any of them, or their or any of their Heirs, Executors, or Administrators, shall bear, pay, expend, or be put to, or which shall be occasioned

to

to them, for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them, shall be paid out of the Monies to be raised under this Act.

XIX. And be it enacted, That in all Actions, Suits, Bills, Plaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, prosecuted, or defended in pursuance of this Act, the said Commissioners for executing this Act may sue and be sued in the Name of their Secretary or Clerk to be appointed for the Purposes of this Act; and that no Action or Prosecution to be brought, commenced, or defended by or against the said Commissioners or any of them, by virtue of this Act, in the Name of their Secretary or Clerk, shall abate or be discontinued by the Death or Removal of such Secretary or Clerk, or by any Act of such Secretary or Clerk without the Consent of the said Commissioners, but the Secretary or Clerk for the Time being to the said Commissioners shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that any such Secretary or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and also the Costs and Charges of prosecuting any Indictment or Indictments or other Proceedings whatsoever which shall or may be commenced or prosecuted against any Person or Persons whomsoever by the Order of the said Commissioners.

Commissioners may sue and be sued in the Name of their Secretary.

XX. And be it enacted, That no Mortgage, Assignment, or other Instrument which shall be made, granted, entered into, or executed by the Commissioners for executing this Act, under any of the Powers or Authorities hereby granted, nor any Deeds or other Instruments which shall be made, entered into, or executed by any other Person or Persons to or with them, for any of the Purposes of this Act, shall be subject or liable to any *ad valorem* or other Stamp Duty whatsoever imposed by any Act or Acts now in force, nor to any *ad valorem* or other Stamp Duty to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

Mortgages and other Instruments exempt from Stamp Duty.

XXI. And be it enacted, That the Powers of entering and making Surveys herein-before contained shall not be in force for a longer Term than One Year from the passing of this Act, unless in the meantime another Act of Parliament shall be passed authorizing the making and completing the Thoroughfares and Improvements herein-before mentioned, or some or one of them.

Continuance of Powers under this Act.

XXII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

C A P. LXXXI.

An Act to authorize for One Year, and from thence to the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases. [24th August 1839.]

5 & 6 W. 4. c. 50. **W**HEREAS an Act was passed in the Fifth and Sixth Years of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, whereby divers Statutes passed in the Reign of His late Majesty King *George the Third*, relating to the Performance of Statute Duty, were repealed, and Statute Duty was thereby altogether abolished: And whereas the Revenues of some Turnpike Roads are so unequal to the Charge and Maintenance of such Roads, after paying the Interest and Principal of the Sums due upon Mortgage of the Tolls thereof, when deprived of the Aid heretofore derived from Statute Duty, that it is necessary that some additional Provision be made for such Roads for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices at any Special Sessions for the Highways holden after the passing of this Act, upon Information exhibited before them by the Clerk or Treasurer of any Turnpike Trust that the Funds of the said Trust are wholly insufficient for the Repair of the Turnpike Road within any Parish, (Notice in Writing of such intended Information having been previously given on the Part of such Clerk or Treasurer to the Parish Surveyor Twenty-one Days at least before such Special Sessions,) to examine the State of the Revenues and Debts of such Turnpike Trust, and to inquire into the State and Condition of the Repairs of the Roads within the same, and also to ascertain the Length of the Roads including Turnpike Roads within such Parish, and how much of such Road is Turnpike Road; and if after such Examination it shall appear to the said Justices necessary or expedient for the Purposes of any Turnpike Road so to do, then to adjudge and order what Portion (if any) of the Rate or Assessment levied or to be levied by virtue of the said recited Act shall be paid by the said Parish Surveyor, and at what Time or Times, to the said Commissioners or Trustees, or to their Treasurer or other Officer appointed by them in that Behalf; such Money to be wholly laid out in the actual Repair of such Part of such Turnpike Road as lies within the Parish from which it was received.

Justices to inquire at Special Sessions for Highways into the Revenues and Condition of the Repairs of Turnpike Roads, and, if necessary, to apportion a Part of the Highway Rate to the Trustees of any Turnpike Road.

If Surveyor refuse to pay over Rate or Assessment, &c.

Power of Appeal.

III. And be it enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such Portion of the said Rate or Assessment at the Time or Times and in the Manner mentioned in the Order of the said Justices, the same shall and may be levied upon the Goods and Chattels of such Surveyor, in such Manner as Penalties and Forfeitures are by the said recited Act authorized to be levied.

IV. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Order, Judgment, or Determination made,

made, or by any Matter or Thing done by any Justices of the Peace at any such Special Sessions in pursuance of this Act, such Person shall be at liberty to make his Complaint thereof by Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County, Division, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving to such Justices Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Six Days after such Order, Judgment, or Determination shall be so made or given as aforesaid, who are hereby required, within Forty-eight Hours after the Receipt of such Notice, to return all Proceedings whatever had before them respectively touching the Matter of such Appeal to the said Justices at their General or Quarter Sessions aforesaid; and that in case of such Appeal the said Justices at the said Quarter Sessions, upon due Proof of such Notice and Statement having been given as aforesaid, shall hear and determine such Appeal; and the said Justices at the said Quarter Sessions shall have Power to award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, such Costs to be levied and recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said recited Act; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form: Provided always, that in case there shall not be Time to give such Notice as aforesaid before the next Sessions to be holden after such Order, Determination, or Judgment, then and in every such Case such Appeal may be made to the Justices at the next following Sessions, who shall proceed to determine such Appeal in manner aforesaid: Provided always, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

V. And be it enacted, That this Act shall extend only to *England.* Limitation of Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

VII. And be it enacted, That this Act shall continue and be in force for One Year from the passing hereof, and from thence until the End of the then next Session of Parliament. Term of Act.

C A P. LXXXII.

An Act for the better Administration of Justice in detached Parts of Counties. [26th August 1839.]

‘ WHEREAS the Administration of Justice is hindered by the Distance of divers detached Parts of Counties in *England* and *Wales* from the Body of the Counties to which they severally belong, and wherein the Justices of the Peace having Jurisdiction in such detached Parts for the most part do dwell:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

Justices may act in detached Parts of other Counties locally included in their County.

in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for any Justice or Justices of the Peace acting for any County to act as a Justice or Justices of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act; and that all Acts of such Justice or Justices of the Peace, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Justice or Justices acts or act; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Expences arising from Prosecution of Offenders to be repaid by the County to which they belong.

II. And be it enacted, That the Treasurer of every County in *England* and *Wales* shall keep an Account of all Expences occasioned to such County by any Act of such Justice or Justices of the Peace in or with respect to any such detached Part of any other County, or out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of all Offenders committed from such detached Part, and shall twice in every Year send a Copy of such Account to the Treasurer of the other County to which such detached Part belongs, and the Treasurer of such other County shall out of the Monies in his Hands as Treasurer pay the same to the Order of the Treasurer sending the Account, with all reasonable Charges of making and sending the Account; and in case any Difference shall arise concerning the said Account, and such Difference shall not be adjusted by Agreement, it shall be lawful for either of the Parties to apply to the Justices of Assize of the last preceding Circuit or of the next succeeding Circuit, or to One of such Justices, who shall by Writing under their or his Hands or Hand nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Parties; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matters in difference, and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Interpretation of Terms.

III. And be it enacted, That in construing this Act the Word "County" shall be taken to mean and include County, Riding, Division, and Parts of a County having a separate Commission of the Peace.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

C. A. P. LXXXIII.

An Act to continue the Poor Law Commission until the Fourteenth Day of *August* One thousand eight hundred and forty, and thenceforth until the End of the then next Session of Parliament. [26th *August* 1839.]

‘ **W**HEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, Provisions were made for the Appointment of Poor Law Commissioners, Assistant Commissioners, Secretaries, and other Officers, which Provisions will expire at the End of the Session of Parliament held next after the Fourteenth Day of *August* in the present Year; and it is expedient to extend such Provisions:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Poor Law Commissioner appointed by His late Majesty, or by Her Majesty the Queen, and every Assistant Commissioner, Secretary, and other Officer and Person appointed by the Poor Law Commissioners under and by virtue of the Provisions of the recited Act, shall and is hereby empowered, unless he shall previously resign or be removed by some competent Authority, to hold his respective Office and exercise the Powers thereof until the Fourteenth Day of *August* in the Year One thousand eight hundred and forty, and thenceforth until the End of the then next Session of Parliament, any thing in the said recited Act to the contrary notwithstanding; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove any of the said Commissioners for the Time being, and upon every or any Vacancy in the Number of Commissioners, either by Removal or by Death or otherwise, to appoint, by Warrant under the Royal Sign Manual, some other fit Person to the said Office; and until such Appointment it shall be lawful for the surviving or continuing Commissioner or Commissioners to act as if no such Vacancy had occurred.

Poor Law Commissioners, &c. continued.

4 & 5 W. 4. c. 75. § 1-10.

C. A. P. LXXXIV.

An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor.

[26th *August* 1839.]

‘ **W**HEREAS it is expedient that more effectual Provision should be made for the Assessment, Allowance, Amendment, and Collection of Rates for the Relief of the Poor:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which any Contribution by Overseers or other Officers of any Parish of Monies required by the Board of Guardians or Persons acting as Guardians for such Parish, or for any Union which shall include such Parish for the

Manner of proceeding by Board of Guardians in case the Contribution

tion required
by any Parish
is in arrear.

Performance of their Duties, shall be in arrear, it shall lawful for any Two Justices acting within the District wherein such Parish shall be situate, on Application under the Hand of the Chairman or acting Chairman of such Board, to summon the said Overseer or other Officers to show Cause, at a Special Sessions to be summoned for the Purpose, why such Contribution has not been paid, and after hearing the Complaint preferred under the Authority of such Chairman or acting Chairman, and on behalf of such Board, if the Justices at such Sessions shall think fit, by Warrant under their Hands and Seals to cause the Amount of the Contribution so in arrear, together with the Costs occasioned by such Arrear, to be levied and recovered from the said Overseers or other Officers, or any of them, in like Manner as Monies assessed for the Relief of the Poor may be levied and recovered, and the Amount of such Arrear, together with the Costs as aforesaid, when levied and recovered, to be paid to the said Board: Provided always, that no Distress made under any such Warrant of Justices shall be replevisible.

Order for
appointing Col-
lectors declared
valid.

II. And be it enacted, That all Orders heretofore made and issued under the Hands and Seals of the Poor Law Commissioners, and not rescinded by them, or quashed before the Sixth Day of *May* in the present Year, by which the said Commissioners may have directed the Overseers or Guardians of any Parish or Union to appoint any Person to collect the Rates for the Relief of the Poor in any Parish or Parishes, or shall have defined or specified or directed the Execution of the Duties of such Person, or the Places or Limits within which the same shall be performed, or shall have directed the Mode of Appointment, or determined the Continuance in Office or Dismissal of any such Person from his Office, or the Amount or Nature of the Security to be given by any such Person, or shall have regulated the Amount of Salary payable to any such Person, or the Time or Mode or the Proportions of Payment thereof, shall be deemed and the same are hereby declared to have the same Force and Validity as if the same had been warranted by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws for the Relief of the Poor*; and the Commissioners shall have the same Powers and Authorities with respect to all such Orders, and to the Persons appointed in pursuance thereof, as they have with respect to Orders made and issued and the paid Officers appointed under the Provisions of the said Act; and that every Person appointed by Guardians of the Poor under any such Order of the said Commissioners shall have the like Powers, Authorities, Privileges, Immunities, Protections, and Remedies, in and for the Performance of his Duty under such Order, as are by Law given to Overseers of the Poor in the Performance of the like Duty.

4 & 5 W. 4. c. 76.

Not to affect
58 G. 3. c. 69.
for Regulation
of Vestries.

III. Provided always, and be it enacted, That nothing herein contained shall in anywise affect the Right of the Inhabitants in Vestry to give Directions for the Custody and safe Keeping of any Books, Papers, and Documents, under the Provisions of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Regulation of Vestries*.

IV. And

IV. And be it enacted, That, except in as far as the Provisions of the said Act of the Fourth and Fifth Years of the Reign of His late Majesty shall be hereby altered or amended, the said Act and this Act shall be construed as one Act. Recited Act and this Act to be taken as one.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

C A P. LXXXV.

An Act to enable Justices of the Peace in Petty Sessions to make Orders for the Support of Bastard Children.

[26th August 1839.]

‘WHEREAS it is expedient to give more speedy and effectual Means for obtaining Orders upon the putative Fathers of Bastard Children for their Support and Maintenance:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act, when any Child which has been born a Bastard since the passing of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, and with respect to which no Application shall have been made to any Court of General Quarter Sessions under the Provisions of the said Act, shall by reason of the Inability of the Mother of such Child to provide for its Maintenance, become chargeable to any Parish, the Guardians of any Parish, or of the Union in which any Parish may be situated, or if there shall be no such Guardians then the Overseers of such Parish, may, if they think proper, at any Time within Three Calendar Months after such Child shall have become chargeable, apply to the Justices of the Peace holding any Special or Petty Session in and for the Division or Borough within which such Union or Parish, or any Part thereof, shall be situated, for an Order upon the Person whom they shall charge with being the putative Father of such Child, to reimburse such Union or Parish for its Maintenance and Support; and the Justices then and there assembled, not being less than Two, shall proceed with respect to the Application, and shall have all the Powers and Duties in regard thereunto which are given to the Court of General Quarter Sessions by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*; and all Enactments in the said Act relating to the Court of General Quarter Sessions shall be taken to apply to the said Justices in Special or Petty Session, except that the Notice to the Person intended to be charged with being the Father of the Child need not be given more than Seven Days, instead of Fourteen Days, before the Session at which the Application shall be heard; and after the passing of this Act it shall not be lawful to make any such Application to any Court of General Quarter Sessions, nor shall any Court of General Quarter Sessions have any Authority to make any Order upon any such Application. Powers of Quarter Session to make Orders on putative Fathers of Bastard Children transferred to Special or Petty Session.
4 & 5 W. 4. c. 76.

4 & 5 W. 4. c. 76.

II. And

Justices may enforce Attendance of Witnesses.

II. And be it enacted, That any Justice of the Peace, upon the Request of either Party, may summon any Witness to appear and give Evidence upon the Matter of any such Charge, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and that the reasonable Expences of Attendance were paid or tendered to such Person; and the Justices before whom any such Charge shall be heard may commit any Person coming or brought before them who shall refuse to give Evidence to any House of Correction within their Jurisdiction, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person.

Parties charged may enter into Recognizance to try the Charge at Quarter Sessions.

III. Provided always, and be it enacted, That if the Person whom the Guardians or Overseers shall charge with being the putative Father of such Child shall declare to the Justices in such Special or Petty Session that he is desirous that the Charge shall be heard and determined at the Quarter Sessions of the Peace, and shall then and there enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the Quarter Sessions of the Peace then next or next but One ensuing, as the Justices shall think fit, to answer to the said Charge, and to abide the Judgment of the Court at such Sessions, and to pay all the Costs incurred by the said Guardians and Overseers in bringing such Charge before the said Court in case the Court shall adjudge him to be the putative Father of such Child, then the Justices in Special or Petty Session shall not proceed further to hear the Charge, but shall take such Recognizance and transmit it to the Clerk of the Peace; and in such Case all further Proceedings in the Matter of such Charge shall be had before the said Court of Quarter Sessions as if this Act had not been made.

Meaning of certain Terms.

IV. And be it enacted, That the Words "Parish," "Guardian," "Overseer," and "Justice," in this Act shall be deemed to have the same Meaning as in the said Act passed in the Fifth Year of the Reign of His said late Majesty.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. LXXXVI.

An Act to amend an Act passed in the Session holden in the Sixth Year of His late Majesty King *William* the Fourth, for amending the Laws relating to Bankrupts in *Ireland*.

[26th August 1839.]

‘ WHEREAS by an Act passed in the Parliament of *Ireland*
 ‘ in the Session held in the Eleventh and Twelfth Years of
 ‘ the Reign of King *George* the Third, intituled *An Act to prevent*
 ‘ *Frauds committed by Bankrupts*, it was enacted that nothing
 ‘ therein contained should extend to any Security or Securities by
 ‘ Judgment

11 & 12 G. 3.
(1.)

‘ Judgment obtained before the Bankrupt should become Scrivener, Salesmaster, Banker, Broker, Dealer in Exchange or Merchandize, but that all Debts so secured should have the same Force and Effect, Priority and Preference, as if the said Act had not been made: And whereas by an Act passed in the Session of Parliament held in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in Ireland*, the said Act of the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third was repealed: And whereas by the said Act of the Sixth Year of the Reign of King *William* the Fourth no Provision was made for preserving the Priority and Effect of Judgment Debts of Bankrupts secured by Judgments obtained before such Bankrupts became Traders:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing contained in the said Act passed in the Session held in the Sixth Year of the Reign of King *William* the Fourth shall extend to any Security or Securities by Judgment obtained before the First Day of *July* One thousand eight hundred and thirty-six, and before the Bankrupt became a Trader liable to become a Bankrupt, but Debts so secured shall have the same Force and Effect, Priority and Preference, as if the said last-mentioned Act had not been passed: Provided always, that nothing in this Act contained shall repeal or alter or in any Manner affect the Operation of the said last-mentioned Act, so far as relates to any Lands, Tenements, Hereditaments, or Property, or to any Judgment affecting, or which if the said last-mentioned Act had not been passed would affect, any Lands, Tenements, Hereditaments, or Property which shall have been sold, or, in pursuance of any Order or Direction of the Commissioners of Bankrupt in *Ireland*, or either of them, shall have been contracted to be sold, before the passing of this Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

6 & 7 W. 4. c. 14.

Nothing in 6 & 7 W. 4. c. 14. to extend to Judgments before 1st July 1836, &c.

Cases where this Act shall not apply.

Act may be amended, &c.

C A P. LXXXVII.

An Act for improving the Police in *Manchester* for Two Years, and from thence until the End of the then next Session of Parliament. [26th August 1839.]

‘ WHEREAS Questions are pending as to the Powers of the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* to levy Rates under the Authority of their Charter of Incorporation; and it is expedient to make Provision for the Police of the said Borough, within the Limits set forth in the said Charter, until such Questions shall be determined:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to establish a Police Office in the Borough of *Manchester*, and by Warrant

Her Majesty may establish a Police Office in *Manchester*, and appoint a Chief Commissioner of Police.

Warrant under Her Sign Manual to appoint a fit Person to be Chief Commissioner of Police for the said Borough.

Commissioner
may be a
Justice.

II. And be it enacted, That it shall be lawful for Her Majesty to appoint the said Chief Commissioner so appointed to be a Justice of the Peace of the said Borough and of the County of *Lancaster*, and of all Liberties therein, to execute the Duties of a Justice of the Peace at the said Office, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by one of Her Majesty's Principal Secretaries of State, for the more effectual Administration of the Police within the said Borough, notwithstanding that he may not have such Qualification by Estate as is required in the Case of other Persons being Justices of the Peace for a County; and Her Majesty may remove the said Commissioner if She shall see Occasion so to do; and upon any Vacancy in the said Office by Death, Removal, or otherwise, during the Continuance of this Act, another fit Person shall be appointed to be Commissioner of Police of the said Borough and Justice of the Peace as aforesaid, instead of the Person by whom the Vacancy was made, and by the same Authority: Provided always, that no such Commissioner shall act as a Justice of the Peace of any Court of Sessions of the Peace, or in any Manner out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying into execution the Purposes of this Act.

Commissioner
to take the fol-
lowing Oath.

III. And be it enacted, That every such Commissioner, before he shall begin to execute the Duties of his Office, shall take the following Oath before Two Justices of the Borough of *Manchester* or of the County of *Lancaster*; (that is to say,)

' I *A.B.* do swear, That I will faithfully and honestly, without Fear or Favour, according to the best of my Skill and Knowledge, execute all the Powers and Duties of the Commissioner of Police of the Borough of *Manchester*, under an Act passed in the Third Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*].'

Salary of the
Chief Commis-
sioner.

IV. And be it enacted, That an annual Salary not exceeding Eight hundred Pounds shall be paid quarterly to the Chief Commissioner appointed by Her Majesty as aforesaid, out of the Rates herein-after mentioned.

Police Force to
be appointed
for the whole
Borough.

V. And be it enacted, That a sufficient Number of fit and able Men shall from Time to Time, by the Directions of one of Her Majesty's Principal Secretaries of State, be appointed by the said Commissioner as a Police Force for the whole of the Borough of *Manchester*, who shall be sworn in by the said Commissioner to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall, not only within the said Borough, but also within the County of *Lancaster*, and within all Liberties therein, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statute made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive

receive from the said Commissioner for conducting themselves in the Execution of their Office.

VI. And be it enacted, That the Treasurer of the said Borough shall receive all Sums of Money applicable to the Purposes of this Act, and shall be styled "Receiver of the Police of the Borough of *Manchester*;" or in case such Treasurer shall refuse to take on him the Duties of the Office of Receiver, or shall be removed from the said Office, it shall be lawful for Her Majesty to appoint a proper Person to be Receiver; and Her Majesty may remove any such Receiver, and upon any Vacancy in the Office may appoint another Receiver; and every such Receiver shall give Security to Her Majesty in a Bond, with Two Sureties, in such Sum as the Commissioners of Her Majesty's Treasury shall direct, for the faithful Performance of his Duty as such Receiver; and a yearly Salary not exceeding Four hundred Pounds, to be payable quarterly, shall be allowed to every such Receiver out of the Monies so received by him.

Appointment
and Salary of
Receiver.

VII. And be it enacted, That the Receiver shall immediately pay all Monies, Bills, and Notes by him received under this Act into some Bank to be selected by the Commissioners of Her Majesty's Treasury, and the same shall be placed to an Account in the Books of such Bank, which shall be intituled "The Account of the Public Monies of the Receiver of Police for the Borough of *Manchester*," inserting the Name of the Receiver for the Time being; and every Draft or Order for Money on the said Bank shall be countersigned by the Commissioner appointed under this Act; and all Drafts and Orders so countersigned, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount to the Persons named in them, or to the Bearers thereof.

Money to be
placed in a
Bank.

VIII. And be it enacted, That during the Continuance of this Act all the Powers of rating, and of levying and recovering Rates, and all other Powers and Provisions of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, shall apply to the Borough of *Manchester*, and to the Commissioner, Receiver, and Constables appointed under this Act, and to all Things done under the Authority of this Act, except so far as is herein otherwise provided, as if the said Act had been made applicable to the Borough of *Manchester* instead of the Metropolitan Police District, or any City or Borough therein, and to the County of *Lancaster* instead of the County of *Middlesex*, and to the Bank so selected by the Commissioners of Her Majesty's Treasury instead of the Bank of *England*, and as if the said Act had authorized the Appointment of One Justice instead of Two Justices; and the Provisions in the said Act contained with respect to the Night Watch and Night Police established in any Parish, Township, Precinct, or Place within the Metropolitan Police District before the passing of the said Act shall extend and be applied to any Watch or Police, either by Night or by Day, established in any Part of the Borough of *Manchester* before the passing of this Act; and upon the Establishment of the Police under this Act the Powers of all Constables appointed within the said Borough, or any Part thereof, otherwise than under this Act, shall cease during the Continuance of this Act; and the Appeal given by the said

Provisions of
10 G. 4. c. 44.
extended to
Manchester
during the
Continuance
of this Act.

said Act against any Assessment made by an Assessor appointed under the said Act may be made, in the Case of any Appeal against any Assessment made by an Assessor appointed under this Act, either to the Court of Sessions of the Peace holden for the Borough of *Manchester*, or to the Court of Quarter Sessions for the County of *Lancaster* holden by Adjournment at *Salford*, either of which Courts shall have all the Powers for hearing and determining and giving Relief in the Matter of any such Appeal which by the said Act are given to Justices of the Peace in Quarter Sessions assembled; and in the Form of Conviction used for Offences against this Act the Title of this Act shall be inserted instead of the Title of the said Act: Provided always, that nothing in the said Act contained, or in this Act by reference to the said Act, shall authorize the Extension of the Police District within the Provisions of this Act beyond the Borough of *Manchester* within the Limits set forth in the said Charter, or prevent any Person from voting at any Election of a Member to serve in Parliament for any County, City, Borough, or Place other than the County of *Lancaster* and the Boroughs and Places therein: Provided also, that the Boroughreeve and Two Constables of the Township of *Manchester* may be appointed at the Court Leet of the Lord of the Manor of *Manchester* as if this Act had not been passed.

This Act not to affect the Appointment of Special Constables.
1 & 2 W. 4. c. 41.

IX. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for amending the Laws relating to the Appointment of Special Constables, and for the better Preservation of the Peace*, or any Act passed for enlarging the Powers of Justices of the Peace under the last-recited Act, but all the Powers and Authorities given by the said Acts or either of them may be exercised in the same Manner as if this Act had not been passed.

32 G. 3. c. 69.
(Local.)

X. And whereas an Act was passed in the Thirty-second Year of the Reign of King *George* the Third, intituled *An Act for cleansing, lighting, watching, and regulating the Streets, Lanes, Passages, and Places within the Towns of Manchester and Salford in the County Palatine of Lancaster, for widening and rendering more commodious several of the said Streets, Lanes, and Passages, and for other Purposes therein mentioned*; and

9 G. 4. c. 117.
(Local.)

another Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend several Acts for cleansing, lighting, watching, improving, and regulating the Towns of Manchester and Salford in the County Palatine of Lancaster*; and another Act was passed in the Eleventh Year

11 G. 4. c. 47.
(Local.)

of the Reign of King *George* the Fourth, intituled *An Act to amend several Acts for supplying the Town of Manchester with Gas, and for regulating and improving the same Town*; and another Act was passed in the Fifth Year of the Reign of King

5 G. 4. c. 95.
(Local.)

George the Fourth, intituled *An Act for lighting, cleansing, watching, and improving the Township of Hulme in the County of Lancaster, and for regulating the Police thereof*; and another

6 G. 4. c. 5.
(Local.)

Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for lighting, cleansing, watching, and improving the Township of Ardwick in the County of Lancaster, and for regulating the Police thereof*; and another Act

was

‘ was passed in the Second Year of the Reign of His late Majesty, intituled *An Act for improving and regulating the Township of Chorlton-upon-Medlock in the County of Lancaster*, whereby certain Offences were forbidden in the Townships of *Manchester, Hulme, Ardwick, and Chorlton-upon-Medlock* respectively, which Townships form Part of the said Borough of *Manchester* ;’ be it enacted, That it shall be lawful for any Constable appointed under this Act, and for all Persons whom he shall call to his Assistance, to take into Custody, without Warrant, any Person who, within View of any such Constable, in any Thoroughfare within the said Borough, shall offend against any Provision of the said Acts or either of them, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

2 & 3 W. 4. c. 90: (Local.)

Unknown Offenders against Local Acts or Bye Laws may be taken into Custody.

XI. And be it enacted, That it shall be lawful for any Constable appointed under this Act to take into Custody, without Warrant, any Person who within the said Borough shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Persons charged with recent aggravated Assaults may be taken into Custody.

XII. Provided always, and be it enacted, That the Words “Treasurer of the said Borough” shall be taken to mean the Person for the Time being so called within the Borough of *Manchester* ; and that nothing in this Act contained shall be deemed or taken to confirm his Appointment, or to sanction the Creation of such an Officer as a Corporate Officer, or to confirm or affect the Charter of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of *Manchester*, or any Act done or to be done in pursuance of such Charter.

Meaning of certain Words.

Act not to affect any Charter of Incorporation, &c.

XIII. And be it enacted, That this Act shall continue in force for Two Years, and from thence until the End of the then next Session of Parliament.

Continuance of Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

XV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

C A P. LXXXVIII.

An Act for improving the Police in *Birmingham* for Two Years, and from thence until the End of the then next Session of Parliament. [26th August 1839.]

‘ WHEREAS Questions are pending as to the Powers of the Mayor, Aldermen, and Burgesses of the Borough of *Birmingham* to levy Rates under the Authority of their Charter of Incorporation; and it is expedient to make Provision for the Police of the said Borough until such Questions shall be determined:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Her Majesty may establish a Police Office in

Birmingham, and appoint a Chief Commissioner of Police.

Commissioner may be a Justice.

Commissioner to take the following Oath.

Salary of the Chief Commissioner.

Police Force to be appointed for the whole Borough.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to establish a Police Office in the Borough of *Birmingham*, and by Warrant under Her Sign Manual to appoint a fit Person to be Chief Commissioner of Police for the said Borough.

II. And be it enacted, That it shall be lawful for Her Majesty to appoint the said Chief Commissioner so appointed to be a Justice of the Peace of the said Borough, and of the Counties of *Warwick*, *Worcester*, *Salop*, and *Stafford*, and of all Liberties therein, to execute the Duties of a Justice of the Peace at the said Office, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by one of Her Majesty's Principal Secretaries of State, for the more effectual Administration of the Police within the said Borough, notwithstanding that he may not have such Qualification by Estate as is required in the Case of other Persons being Justices of the Peace for a County; and Her Majesty may remove the said Commissioner, if She shall see Occasion so to do; and upon any Vacancy in the said Office by Death, Removal, or otherwise, during the Continuance of this Act, another fit Person shall be appointed to be Commissioner of Police of the said Borough and Justice of the Peace as aforesaid, instead of the Person by whom the Vacancy was made, and by the same Authority: Provided always, that no such Commissioner shall act as a Justice of the Peace of any Court of Sessions of the Peace, or in any Manner out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying into execution the Purposes of this Act.

III. And be it enacted, That every such Commissioner, before he shall begin to execute the Duties of his Office, shall take the following Oath before Two Justices of the Borough of *Birmingham*, or of any of the above-mentioned Counties; (that is to say,) ' I *A.B.* do swear, That I will faithfully and honestly, without Fear or Favour, according to the best of my Skill and Knowledge, execute all the Powers and Duties of the Commissioner of Police of the Borough of *Birmingham*, under an Act passed in the Third Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*].'

IV. And be it enacted, That an annual Salary not exceeding Eight hundred Pounds shall be paid quarterly to the Chief Commissioner appointed by Her Majesty as aforesaid, out of the Rates herein-after mentioned.

V. And be it enacted, That a sufficient Number of fit and able Men shall from Time to Time, by the Directions of one of Her Majesty's Principal Secretaries of State, be appointed by the said Commissioner as a Police Force for the whole of the Borough of *Birmingham*, who shall be sworn in by the said Commissioner to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall, not only within the said Borough, but also within the Counties of *Warwick*, *Worcester*, *Salop*, and *Stafford*, and within all Liberties therein, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed has or hereafter may have within his Constableness by

virtue of the Common Law of this Realm, or of any Statute made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from the said Commissioner for conducting themselves in the Execution of their Office.

VI. And be it enacted, That the Treasurer of the said Borough shall receive all Sums of Money applicable to the Purposes of this Act, and shall be styled "Receiver of the Police of the Borough of *Birmingham*," or in case such Treasurer shall refuse to take on him the Duties of the Office of Receiver, or shall be removed from the said Office, it shall be lawful for Her Majesty to appoint a proper Person to be Receiver; and Her Majesty may remove any such Receiver, and upon any Vacancy in the Office may appoint another Receiver; and every such Receiver shall give Security to Her Majesty in a Bond, with Two Sureties, in such Sum as the Commissioners of Her Majesty's Treasury shall direct, for the faithful Performance of his Duty as such Receiver; and a yearly Salary not exceeding Four hundred Pounds, to be payable quarterly, shall be allowed to every such Receiver out of the Monies so received by him.

Appointment
and Salary of
Receiver.

VII. And be it enacted, That the Receiver shall immediately pay all Monies, Bills, and Notes by him received under this Act into some Bank to be approved by the Commissioners of Her Majesty's Treasury, and the same shall be placed to an Account in the Books of such Banks, which shall be entitled "The Account of the Public Monies of the Receiver of Police for the Borough of *Birmingham*," inserting the Name of the Receiver for the Time being; and every Draft or Order for Money on the said Bank shall be countersigned by the Commissioner appointed under this Act; and all Drafts and Orders so countersigned, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount to the Persons named in them, or to the Bearers thereof.

Money to be
placed in a
Bank.

VIII. And be it enacted, That during the Continuance of this Act all the Powers of Rating, and of levying and recovering Rates, and all other Powers and Provisions of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, shall apply to the Borough of *Birmingham*, and to the Commissioner, Receiver, and Constables appointed under this Act, and to all Things done under the Authority of this Act, except so far as is herein otherwise provided, as if the said Act had been made applicable to the Borough of *Birmingham* instead of the Metropolitan Police District or any City or Borough therein, and to the County of *Warwick* instead of the County of *Middlesex*, and to the Bank so approved of by the Commissioners of Her Majesty's Treasury instead of the Bank of *England*, and as if the said Act had authorized the Appointment of One Justice instead of Two Justices; and the Provisions in the said Act contained with respect to the Night Watch and Night Police established in any Parish, Township, Precinct, or Place within the Metropolitan Police District before the passing of the said Act shall extend and be applied to any Watch or Police, either by Night or by Day, established in any Part of the Borough of *Birmingham* before the passing of this Act; and upon the Establishment of the Police under this Act the Powers of all Constables appointed within the said Borough,

Provisions of
10 G. 4. c. 44.
extended to
Birmingham
during the Con-
tinuance of this
Act.

or any Part thereof, otherwise than under this Act, shall cease during the Continuance of this Act; and the Appeal given by the said Act against any Assessment made by an Assessor appointed under the said Act shall be made, in the Case of any Appeal against any Assessment made by an Assessor appointed under this Act, to the Court of Sessions of the Peace holden for the Borough of *Birmingham*, which shall have all the Powers for hearing and determining and giving Relief in the Matter of any such Appeal which by the said Act are given to Justices of the Peace in Quarter Sessions assembled; and in the Form of Conviction used for Offences against this Act the Title of this Act shall be inserted instead of the Title of the said Act: Provided always, that nothing in the said Act contained, or in this Act by reference to the said Act, shall authorize the Extension of the Police District within the Provisions of this Act beyond the Borough of *Birmingham*, or to prevent any Person from voting at any Election of a Member or Members to serve in Parliament for any County, City, Borough, or Place other than the County of *Warwick*, and the Boroughs and Places therein, including the City of *Coventry*.

Act not to affect
1 & 2 W. 4. c. 41.

IX. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, or any Act passed for enlarging the Powers of Justices of the Peace under the last-recited Act, but all the Powers and Authorities given by the said Acts or either of them may be exercised in the same Manner as if this Act had not been passed.

Meaning of the
Words "Treasurer of the
said Borough."

X. Provided always, and be it enacted, That the Words "Treasurer of the said Borough" shall be taken to mean the Person for the Time being so called within the Borough of *Birmingham*; and that nothing in this Act contained shall extend or be construed to extend to confirm the Appointment of such Person, or to sanction the Creation of such an Officer as a Corporate Officer, or to confirm or render valid or in anywise to affect the Charter of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of the Town of *Birmingham*.

10,000*l.* may
be advanced for
the Police of
Birmingham.

XI. And be it enacted, That it shall be lawful for Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time after the passing of this Act, to advance and lend to the said Chief Commissioner of Police of the Borough of *Birmingham*, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, upon the Credit of the Rates to be raised under this Act, and to be employed, under the Direction of the said Chief Commissioner, for the Purposes of the Police of the said Borough; and every Sum so advanced, with Interest thereon after such Rate, not exceeding the Rate of Five Pounds *per Centum per Annum*, as the said Commissioners of the Treasury shall direct, shall be charged upon and repaid out of the Rates to be levied within the said Borough under the Authority
of

of this Act, so that the whole Sum borrowed, with the Interest due thereon, shall be repaid within such Time, not being more than Two Years, as the said Commissioners of the Treasury shall appoint.

XII. ' And whereas an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for better paving, lighting, watching, cleaning, and otherwise improving the Town of Birmingham in the County of Warwick; and for regulating the Police and Markets of the said Town*; and another Act was passed in the Tenth Year of the same Reign, intituled *An Act for lighting, watching, cleaning, and otherwise improving and regulating the Hamlets or Liberties of Duddeston and Nechells in the Parish of Aston near Birmingham in the County of Warwick*; and another Act was passed in the Thirty-first Year of the Reign of King *George* the Third, intituled *An Act for cleaning, lighting, and watching, and levelling the Surface of the Streets and other public Places within the Hamlets of Deritend and Bordesley in the County of Warwick*; and for removing and preventing Nuisances, Obstructions, and Encroachments, and regulating the driving of Carts and other Carriages used for carrying Goods, Wares, and Merchandizes therein, whereby certain Offences were forbidden in the Parish of *Birmingham*, the Hamlets or Liberties of *Duddeston* and *Nechells*, and the Hamlets of *Deritend* and *Bordesley*, respectively, which Parish and Hamlets form Part of the said Borough of *Birmingham*;' be it enacted, That it shall be lawful for any Constable appointed under this Act, and for all Persons whom he shall call to his Assistance, to take into Custody, without Warrant, any Person who, within View of any such Constable, in any Thoroughfare within the said Borough, shall offend against any Provision of the said Acts or either of them, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

9 G. 4. c. 54.
(Local.)

10 G. 4. c. 6.
(Local.)

31 G. 3. c. 17.
(Local.)

Offenders whose Names and Residences are unknown may be taken into Custody.

XIII. And be it enacted, That it shall be lawful for any Constable appointed under this Act to take into Custody, without Warrant, any Person who within the said Borough shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Persons charged with recent aggravated Assaults may be taken into Custody.

XIV. And be it enacted, That no Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the Borough of *Birmingham*; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for the said Borough: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any such Election in the Discharge of his Duty.

Police Constables not to vote at Elections for Birmingham.

XV. And be it enacted, That this Act shall continue in force for Two Years, and from thence until the End of the then next Session of Parliament.

Continuance of Act.

Act may be amended, &c.

Public Act.

XVI. And be it enacted, That this Act may be amended or repealed by an Act to be passed in this Session of Parliament.

XVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

C A P. LXXXIX.

An Act to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and thirty-nine, and to appropriate the Supplies granted in this Session of Parliament. [27th August 1839.]

- § I. There shall be applied, for the Service of the Year 1839, £5,796,000 out of the Consolidated Fund.
- II. The Treasury may cause £5,796,000 of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.
- III. The Clauses, &c. in recited Act extended to this Act.
- IV. Exchequer Bills to bear an Interest not exceeding 3½*d.* per Cent. per Diem.
- V. Bank may advance £5,796,000 on the Credit of this Act.
- VI. The Treasury may cause Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.
- VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. £108,052 11*s.* 9*d.*, Surplus of Ways and Means granted for preceding Years.
- X. Monies coming into the Exchequer by c. 2. 6. and 21. *ante*,—£13,000,000 by Exchequer Bills under c. 8. *ante*,—£12,026,050 by Exchequer Bills under c. 90. *post*,—and also the said £5,796,000 and £108,052 11*s.* 9*d.* shall be applied as hereafter expressed.
- XI. There shall be issued and applied,
- | | | | | |
|------------|---|---|--|--------------------------|
| £5,197,511 | 0 | 0 | For Naval Services, <i>viz.</i> | |
| 1,080,089 | 0 | 0 | For Wages of 34,165 Seamen and Marines, and to the Ordinary and Yard Craft - - - | } To
31st March 1840. |
| 546,625 | 0 | 0 | For their Victuals - - - | |
| 782,230 | 0 | 0 | For Half Pay of Navy and Marines - - - | |
| 512,548 | 0 | 0 | For Military Pensions and Allowances - - - | |
| 198,448 | 0 | 0 | For Civil ditto - - - | |
| 113,924 | 0 | 0 | For Salaries of Officers, and contingent Expences of the Admiralty Office - - - | |
| 2,550 | 0 | 0 | For Salaries of Officers, and contingent Expences of the Registry of Merchant Seamen - - - | |
| 26,597 | 0 | 0 | For ditto of the Scientific Department of the Navy - - - | |
| 121,319 | 0 | 0 | For Salaries of Officers, and contingent Expences of Naval Establishments at Home - - - | |
| 19,694 | 0 | 0 | For ditto of Naval Establishments Abroad - - - | |

£468,059	0	0	For Wages of Artificers, Labourers, and others in Naval Establishments at Home - - -	} To 31st March 1840.
27,490	0	0	For ditto in Naval Establishments Abroad - - -	
856,637	0	0	For Naval Stores, &c. - - -	
159,992	0	0	For new Works, Improvements, and Repairs in Yards - - -	
18,909	0	0	For Medicines and Medical Stores - - -	
50,907	0	0	For Naval Miscellaneous Services - - -	
150,954	0	0	For Freight of Transports, and other Charges, on account of the Army and Ordnance - - -	
66,204	0	0	For conveying Convicts to <i>New South Wales</i> , &c. - - -	
§ XII. 6,638,267	0	0	For Army Services after mentioned, <i>viz.</i>	
3,421,383	0	0	For Forces at Home and Abroad, (except <i>India</i>) - - -	
155,359	0	0	For General Staff Officers and Officers of Hospitals at Home and Abroad (except <i>India</i>), and for the Garrison of the <i>Tower</i> - - -	
58,708	0	0	For Allowances to principal Officers of Military Departments in <i>Great Britain</i> , their Deputies, Clerks, and contingent Expences - - -	
17,486	0	0	For Military Asylum and <i>Hibernian</i> Military School - - -	
79,137	0	0	For Volunteer Corps - - -	
16,042	0	0	For Rewards for Military Services, and Allowances to Garrison Officers, at Home and Abroad - - -	
102,000	0	0	For Pay of General Officers not being Colonels of Regiments - - -	} From 1st April 1839 to 31st March 1840.
57,000	0	0	For Full Pay of reduced and retired Officers - - -	
517,000	0	0	For Half Pay and Allowances to reduced and retired Officers - - -	
67,204	0	0	For Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers - - -	
143,942	0	0	For Pensions to Widows of Officers - - -	
131,800	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers - - -	
1,308,007	0	0	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals, &c. - - -	
44,000	0	0	For Superannuations to Persons formerly belonging to Public Military Departments - - -	

	£75,000	0	0	For augmenting the Infantry at Home and Abroad (except <i>India</i>)	} To 31st March 1840.
	213,775	0	0	For the Commissariat Department	
	53,487	0	0	For Half Pay, Pensions, and Allowances in ditto	
	176,937	0	0	For Disembodied Militia	
§ XIII.	1,732,240	0	0	For Ordnance Services for the Year 1839-40.	
	116,851	0	0	For the Civil Establishments at the <i>Tower, Pall Mall, and Woolwich</i> , at Out-stations at Home and Abroad.	
	107,652	0	0	For Engineers, Sappers, and Miners (including £2,560 for One additional Company for <i>Canada</i>).	
	352,726	0	0	For the Artillery (including £6,560 for an Addition of 216 Men for <i>Canada</i>), the Horse Artillery, Master Gunners, Field Train, Medical Department, and Academical Establishment.	
	34,388	0	0	For Salaries to Barrack Masters at Home and Abroad.	
	330,326	0	0	For Ordnance Works and Repairs, Storekeepers Expenditure, Pay of Clerks of Works, &c., building and Repair of Barracks, and Barrack Masters Expenditure, in the United Kingdom and the Colonies.	
	144,061	0	0	For Military, Civil, and Barrack Contingencies, including Surveys of the United Kingdom.	
	188,000	0	0	For the Ordnance and Military Store Branch.	
	4,168	0	0	For Ordnance Services not provided for by Parliament in 1838-9.	
	161,520	0	0	For Ordnance Superannuations, retired Allowances, Pensions, &c.	
	260,308	0	0	For Commissariat Supplies in the United Kingdom and Colonies.	
	32,240	0	0	For the Erection of Barracks in <i>Great Britain</i> , and Works of Defence in the Colonies.	
XIV.	24,026,050	0	0	To pay off Exchequer Bills charged on the Aids of 1839.	
XV.	1,000,000	0	0	For Expences in <i>Canada</i> consequent upon the Insurrection there.	
XVI.	8,520	0	0	For the Civil Establishment of the <i>Bahama Islands</i>	} To 31st March 1840.
	4,049	0	0	For ditto of <i>Bermuda</i>	
	3,070	0	0	For ditto of <i>Prince Edward's Island</i>	
	9,980	0	0	For ditto of <i>Western Africa</i>	
	5,707	0	0	For Settlement of <i>Western Australia</i>	
	11,790	0	0	For Ecclesiastical Establishments in <i>North America</i>	
	18,895	0	0	For the <i>Indian</i> Department in <i>Canada</i>	
	4,163	0	0	For the Civil Establishment of <i>Heligoland</i>	
	16,000	0	0	For ditto at <i>St. Helena</i> , and for Pensions and Allowances to Civil and Military Officers and Soldiers of the <i>East India</i> Company's late Establishments there	
	2,400	0	0	For Civil Government at <i>Nova Scotia</i>	

§ XVII. There shall also be issued and applied,

£2,000,000	0	0	To discharge like Amount of Supplies granted for 1838 or any preceding Year.	
130,000	0	0	For Civil Contingencies to 31st <i>March</i> 1840.	
30,000	0	0	For Public Education in <i>Great Britain</i> in 1839.	
28,839	0	0	For the <i>British Museum</i> .	
77,000	0	0	For Salaries, &c. of the Officers of Houses of Parliament, and Allowances to retired Officers	
48,000	0	0	For Salaries and Expences of the Treasury	
19,580	0	0	For ditto of the Home Department	
56,117	0	0	For ditto of the Foreign ditto	
17,678	0	0	For ditto of the Colonial ditto	
24,000	0	0	For ditto of the Privy Council	
35,755	0	0	For the Office of the Paymaster General	
17,520	0	0	For Salaries, &c. of the Office of the Comptroller General of the Exchequer and Paymaster of Civil Services	} To 31st <i>March</i> 1840.
2,006	0	0	For Professors in <i>Oxford</i> and <i>Cambridge</i>	
12,500	0	0	For Salaries and Expences of Insolvent Debtors Court	
17,000	0	0	For the Penitentiary at <i>Milbank</i>	
5,300	0	0	For providing for the Prison for juvenile Offenders in the <i>Isle of Wight</i>	
2,137	0	0	For Expences of the State Paper Office	
5,100	0	0	For Commissioners of Criminal Law.	
1,465	0	0	For Commissioners of Inquiry into the Condition of the unemployed Hand-loom Weavers.	
103,618	0	0	For Salaries, &c. of Consuls and Superintendents of Trade at <i>Canton</i> .	
87,785	0	0	For retired Allowances to Persons formerly in Public Offices or in the Public Service	
84,066	0	0	For Public Buildings and Works, &c. heretofore charged upon the Civil List	
10,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour	
16,500	0	0	For <i>Holyhead</i> and <i>Liverpool</i> Roads, <i>Holyhead</i> Harbour, and <i>Menai Bridge</i>	} To 31st <i>March</i> 1840.
11,250	0	0	For Works and Fittings at the <i>British Museum</i>	
6,938	0	0	For temporary Accommodation of the Houses of Parliament	
50,300	0	0	For erecting new Houses of Parliament	
1,110	0	0	For Alterations at the Penitentiary at <i>Milbank</i> .	

£4,180	0	0	For completing the Prison for juvenile Offenders at the <i>Isle of Wight</i> .	
8,000	0	0	For new Post Office at <i>Glasgow</i> .	
2,500	0	0	For Ecclesiastical Commissioners for <i>England</i> .	
64,850	0	0	For Commissioners of Poor Laws for 1839.	
14,700	0	0	For Commissioners for preventing Traffic in Slaves.	
8,850	0	0	For Salaries, &c. of Factory Inspectors	}
5,600	0	0	For ditto of Inspectors of Prisons	
51,175	0	0	For Expences of the Mint	} To
8,500	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers, <i>St. Domingo</i> Sufferers, <i>American</i> Loyalists, &c.	
1,850	0	0	For the Vaccine Establishment for 1839.	
3,000	0	0	For the Refuge for the Destitute for 1839.	
3,073	0	0	For confining and maintaining Criminal Lunatics	}
4,200	0	0	For Protestant Dissenting Ministers, poor <i>French</i> Refugee Clergy, Laity, &c.	
68,000	0	0	For Law Expences, Grants to <i>Scotch</i> Universities, and other Charges formerly paid out of the Hereditary Revenues	
39,900	0	0	For Secret Services	
208,517	0	0	For Stationery, Printing, &c. for Public Departments and Parliament	} To
16,000	0	0	For Law Charges	
66,660	0	0	For Convicts at Home and at <i>Bermuda</i>	
235,000	0	0	For Convicts in <i>New South Wales</i> and <i>Van Diemen's Land</i>	
25,000	0	0	For Support of captured Negroes, &c.	
10,000	0	0	For cleaning, indexing, &c. Public Records	
31,000	0	0	For Revising Barristers	
11,300	0	0	For Expences of Sheriffs, and Deficiency of Fees in the Remembrancer's Office, &c.	
80,000	0	0	For Charges hitherto paid out of the County Rates for 1839.	
15,000	0	0	For <i>Polish</i> Refugees.	
5,812	0	0	For Purchase of certain Collections for the <i>British Museum</i> .	
7,350	0	0	For Pictures for the National Gallery for 1839.	
87,481	0	0	For Losses through the <i>Danish</i> Government in 1807.	
50,000	0	0	For Steam Navigation to <i>India</i> to 31st <i>March</i> 1840.	
10,250	0	0	For new Buildings at the <i>British Museum</i> in 1839.	
3,900	0	0	For Repairs at <i>Port Patrick</i> Harbour.	
25,000	0	0	For erecting a Model Prison.	
4,700	0	0	For the University of <i>London</i> to the 31st <i>March</i> 1840.	

	£1,300	0	0	For the School of Design at <i>Somerset House</i> for One Year.		
	8,500	0	0	For Expences of Poor Law Commission to 31st <i>March</i> 1840, in consequence of Appointment of additional Officers in <i>Ireland</i> .		
	10,000	0	0	For Metropolitan Police Officers for 1839.		
	23,500	0	0	For Compensation for Slaves wrecked in the <i>Comet</i> and <i>Encomium</i> .		
	11,500	0	0	For Law and other Expences in <i>Scotland</i> for 1839.		
	18,667	0	0	For Salaries of Governors, &c. in the <i>West Indies</i> - - -	} To	
	58,700	0	0	For Salaries, &c. of Stipendiary Justices in the Colonies - - -		} 31st <i>March</i> 1840.
	30,000	0	0	For educating emancipated Negroes.		
	3,540	0	0	For Salaries of Agents for Emigration.		
	6,063	0	0	For repairing, &c. the <i>Rideau Canal</i> .		
§ XVIII.	50,000	0	0	For Education in <i>Ireland</i> - - -	} To	
	11,100	0	0	For the Foundling Hospital in <i>Dublin</i> - - -		} 31st <i>March</i> 1840.
	20,000	0	0	For the House of Industry, Lunatic Department, and Hospitals attached - - -		
	150	0	0	For the <i>Hibernian</i> Marine Society		
	1,000	0	0	For the Female Orphan House in <i>Dublin</i> - - -		
	2,500	0	0	For the <i>Westmorland</i> Lock Hospital - - -		
	1,000	0	0	For the Lying-in Hospital - - -		
	1,500	0	0	For Dr. <i>Steven's</i> Hospital - - -		
	3,800	0	0	For the Fever Hospital and House of Recovery - - -		
	500	0	0	For the Hospital for Incurables - - -		
	8,928	0	0	For Roman Catholic College - - -		
	300	0	0	For the Royal <i>Irish</i> Academy - - -		
	300	0	0	For the Royal <i>Hibernian</i> Academy - - -		
	5,300	0	0	For the Royal <i>Dublin</i> Society - - -		
XIX.	700	0	0	For Charity Commissioners in <i>Ireland</i> .		
	1,950	0	0	For <i>Belfast</i> Academical Institution.		
	17,180	0	0	For the Board of Public Works.		
	22,328	0	0	For Secretaries to the Lord Lieutenant, of the Privy Council Office, and Printing for Public Offices in <i>Ireland</i> .		
	12,389	0	0	For Household of Lord Lieutenant and other Officers, formerly charged on the Civil List.		
	4,436	0	0	For Paymaster of Civil Services in <i>Ireland</i> .		
	4,150	0	0	For publishing Proclamations and Statutes.		
	31,661	0	0	For Dissenting Ministers.		
	60,000	0	0	For Criminal Prosecutions.		
	33,963	0	0	For <i>Dublin Police</i> .		
	3,141	0	0	For Public Works.		
	7,000	0	0	For Townland Survey of <i>Ireland</i> .		
	7,142	11	0	For Railway Commission in <i>Ireland</i> .		
XX.	Supplies to be applied only for the Purposes aforesaid.					

- § XXI. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent receiving Half Pay under any Act relating to the General or Local Militia, the Yeomanry, or Volunteers. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.
- XXII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.
- XXIII. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 1 & 2 Vict. c. 111., indemnified.
- XXIV. Half Pay allowed to the Officers of the *Manx* Fencibles.
- XXV. Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.
- XXVI. The Surplus of the Sum appropriated to Half Pay by 1 & 2 Vict. c. 111. authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.
- XXVII. Widows and Persons claiming Pensions to make the required Declaration.
- XXVIII. Declaration to be made as specified in 5 & 6 W. 4. c. 62.

C A P. XC.

An Act for raising the Sum of Twelve millions twenty-six thousand and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-nine.
[27th August 1839.]

C A P. XCI.

An Act to continue, until the First Day of *January* One thousand eight hundred and forty-one, an Act of the last Session of Parliament relating to the Bank of *Ireland*.
[27th August 1839.]

1 & 2 G. 4. c. 72. 3 G. 4. c. 26.

‘ **W**HEREAS an Act was passed in the First and Second
 ‘ Years of the Reign of His Majesty King *George* the
 ‘ Fourth, intituled *An Act to establish an Agreement with the*
 ‘ *Governor and Company of the Bank of Ireland for advancing the*
 ‘ *Sum of Five hundred thousand Pounds Irish Currency, and to*
 ‘ *empower the said Governor and Company to enlarge the Capital*
 ‘ *Stock or Fund of the said Bank to Three Millions: And whereas*
 ‘ another Act was passed in the Third Year of the Reign of
 ‘ His said Majesty King *George* the Fourth, intituled *An Act to*
 ‘ *reduce the Rate of Interest payable on the Sum of One million*
 ‘ *two hundred and fifty thousand Pounds advanced by the Go-*
 ‘ *vernor and Company of the Bank of Ireland for the Public*
 ‘ *Service, under an Act made in the Forty-eighth Year of His*
 ‘ *late Majesty: And whereas the respective Sums of Five hun-*
 ‘ *dred thousand Pounds and One million two hundred and fifty*
 ‘ *thousand Pounds, advanced by the Governor and Company of*
 ‘ *the Bank of Ireland for the Public Service, were by the said*
 ‘ *Acts directed to be repaid on the First Day of January One*
 ‘ *thousand eight hundred and thirty-eight: And whereas the said*
 ‘ Period

' Period was postponed by an Act passed in the First Year of the
' Reign of Her present Majesty, and also by an Act passed in
' the last Session of Parliament, intituled *An Act further to post-*
' *pone, until the First Day of January One thousand eight hundred*
' *and forty, the Repayment of certain Sums advanced by the Bank*
' *of Ireland for the Public Service: And whereas the Governor*
' *and Company of the Bank of Ireland have agreed that the Time*
' *for such Repayment should be further postponed: Be it there-*
' *fore enacted by the Queen's most Excellent Majesty, by and with*
' *the Advice and Consent of the Lords Spiritual and Temporal,*
' *and Commons, in this present Parliament assembled, and by the*
' *Authority of the same, That the said respective Sums of Five*
' *hundred thousand Pounds Irish Currency and One million two*
' *hundred and fifty thousand Pounds Irish Currency shall be repaid*
' *to the Governor and Company of the Bank of Ireland on the*
' *First Day of January One thousand eight hundred and forty-one,*
' *instead of the First Day of January One thousand eight hundred*
' *and forty, unless such Payments shall be made at an earlier*
' *Period; and that all Powers, Provisions, Matters, and Things in*
' *the said Acts contained relating to the said Sums and to the*
' *said Day shall extend to the Day hereby appointed for the Re-*
' *payment of the said Sums, in the same Manner as if the First*
' *Day of January One thousand eight hundred and forty-one had*
' *been originally named in the said recited Acts.*

7 W. 4. &
1 Vict. c. 59.
1 & 2 Vict. c. 81.

Time for Re-
payment of
Sums advanced
by the Bank
of Ireland
postponed.

C A P. XCII.

An Act to explain and amend an Act of the First and Second
Years of Her present Majesty, so far as relates to Fines
and Penalties levied under the Revenue Laws in *Ireland*.

[27th August 1839.]

' **W**HEREAS an Act was passed in the First and Second
' Years of Her Majesty's Reign, intituled *An Act for the*
' *more effectual levying of Fines and Penalties, Issues, Deodands,*
' *and Amerciaments, and of forfeited Recognizances estreated, in*
' *Ireland; and for the Application and Distribution thereof: And*
' *whereas Doubts have arisen whether the said Act extends to*
' *and includes Fines and Penalties imposed under the Laws*
' *relating to the Revenues of Customs, Excise, and Stamps; and*
' *it is expedient to determine such Doubts, and to exempt such*
' *Fines and Penalties from the Operation of the said recited Act: Be*
' *it therefore declared and enacted by the Queen's most Excellent*
' *Majesty, by and with the Advice and Consent of the Lords*
' *Spiritual and Temporal, and Commons, in this present Parliament*
' *assembled, and by the Authority of the same, That nothing in*
' *the said recited Act contained does or shall extend, or shall be*
' *deemed or construed to extend, to any Fine, Penalty, or Forfeiture*
' *which has been or shall be incurred by or imposed upon any*
' *Person whatsoever in Ireland under any Act or Acts relating to*
' *the Revenues of Customs or Excise or Stamps respectively, or to*
' *the suing for, mitigating, levying, recovering, or distributing any*
' *such Fine, Penalty, or Forfeiture, but that all and every such*
' *Fines, Penalties, and Forfeitures shall be sued for, mitigated, levied,*
' *and recovered and distributed under the Powers, Provisions, Au-*
' *thorities,*

1 & 2 Vict. c. 99.

Provisions of
1 & 2 Vict. c. 99.
not to extend
to Fines, Penal-
ties, and For-
feitures incurred
under the Laws
relating to the
Revenues of
Customs, Ex-
cise, or Stamps.

thorities, and Directions of the several Acts relating to the said Revenues respectively, and under and by the same Persons, Ways, and Means, and in the same Manner in every respect, as if the said recited Act had not been passed, any thing in the said recited Act to the contrary notwithstanding.

If any Penalty, &c. recovered under recited Act same to be paid to proper Department.

II. And be it enacted, That in case any Fine, Penalty, or Forfeiture imposed on any Person in *Ireland*, under any Acts relating to the Revenues of Customs, Excise, or Stamps, shall have been recovered under the Provisions of the said recited Act, the same shall be paid over to the Commissioners of Customs, Excise, or Stamps respectively entitled thereto, or to the proper Collector or Officer to whom the same would have been payable in case the said recited Act had not been passed.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XCIII.

An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace.

[27th August 1839.]

1 & 2 W. 4. c. 41. ' **W**HEREAS by an Act passed in the Second Year of the
 ' Reign of His late Majesty, intituled *An Act for amending*
 ' *the Laws relative to the Appointment of Special Constables, and*
 ' *for the better Preservation of the Peace*, it is amongst other things
 ' enacted, that in all Cases where it should be made to appear to
 ' any Two or more Justices of the Peace of any County, Riding,
 ' or Division having a separate Commission of the Peace, or to
 ' any Two or more Justices of the Peace of any Liberty, Fran-
 ' chise, City, or Town in *England* or *Wales*, upon the Oath of
 ' any credible Witness, that any Tumult, Riot, or Felony had
 ' taken place or might be reasonably apprehended in any Parish,
 ' Township, or Place situate within the Division or Limits for
 ' which the said respective Justices usually act, and such Justices
 ' should be of opinion that the ordinary Officers appointed for
 ' preserving the Peace are not sufficient for the Protection of the
 ' Inhabitants and the Security of the Property in any such Parish,
 ' Township, or Place as aforesaid, then and in every such Case
 ' such Justices, or any Two or more Justices acting for the same
 ' Division or Limits, are thereby authorized to nominate and ap-
 ' point, by Precept in Writing under their Hands, so many as they
 ' should think fit of the Householders or other Persons (not legally
 ' exempt from serving the Office of Constable) residing in such
 ' Parish, Township, or Place as aforesaid, or in the Neighbourhood
 ' thereof, to act as Special Constables for such Time and in such
 ' Manner as to the said Justices respectively should seem fit and
 ' necessary, for the Preservation of the Public Peace, and for the
 ' Protection of the Inhabitants, and the Security of the Property
 ' in such Parish, Township, or Place: And whereas the Powers of
 ' Justices of the Peace for making such Appointments as aforesaid
 ' were enlarged by an Act passed in the Sixth Year of the same
 ' Reign, intituled *An Act for enlarging the Powers of Magistrates*
 ' *in the Appointment of Special Constables*: And whereas it is
 ' expedient

5 & 6 W. 4. c. 43.

‘ expedient that the Powers of the said Justices for appointing Constables be further enlarged, and that Powers be given for charging the Expences of paying such Constables upon the several Divisions in which they shall be appointed.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where it shall be made to appear to the Justices of the Peace of any County in *England* or *Wales* in General or Quarter Sessions assembled, or at any Adjournment thereof, that the ordinary Officers appointed for preserving the Peace are not sufficient for the Preservation of the Peace, and for the Protection of the Inhabitants, and for the Security of Property within the County, it shall be lawful for them to set forth the same, by a Report in Writing under the Hands of the Majority of the Justices there present, and to declare how many Constables are needed in their Opinion to be appointed within their County for the Purposes aforesaid, and the Rates of Payment which it would be expedient to pay to the chief and other Constables; and every such Report shall be sent to one of Her Majesty’s Principal Secretaries of State: Provided always, that the Number of Constables shall not be more than One Man for every Thousand of the Inhabitants according to the last Parliamentary Enumeration of the Population for the Time being, the Population of the Boroughs and Towns herein-after excepted from the Operation of this Act being deducted therefrom.

II. And be it enacted, That it shall be lawful for the Justices assembled in General or Quarter Session, from Time to Time, with the Consent of one of Her Majesty’s Principal Secretaries of State, to increase or diminish the Number of Constables first appointed under this Act for their County.

III. ‘ And whereas it is expedient that the Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act be uniform, as nearly as may be;’ be it enacted, That such Rules shall be from Time to Time made by one of Her Majesty’s Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of the Peace for each County in which or in any Division of which this Act shall be in operation; and it shall be lawful for the Secretary of State, upon the Representation of the Justices of the County, setting forth any special Reasons, to amend or add to such Rules so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament is then sitting, and if Parliament is not sitting then within Six Weeks after the next meeting of Parliament.

IV. And be it enacted, That as soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Justices of the County in General or Quarter Session assembled, or at any Adjournment thereof, shall, subject to the Approval of the Secretary of State, appoint a Person duly qualified according to

Justices in Quarter Sessions may report to the Secretary of State the Necessity of an additional Appointment of Constables.

Limitation of Numbers.

Alteration of Number of Constables.

Rules for their Government, Pay, &c. to be made by the Secretary of State.

One or more Chief Constables of the County to be appointed, who may serve for to

more than One
County.

to the Rules to be Chief Constable of the County, and in every Case of Vacancy of the Office shall, subject to the like Approval, appoint another fit Person in his Room; and every Chief Constable so to be appointed may hold his Office until dismissed by the Justices in General or Quarter Session assembled, or at any Adjournment thereof: Provided always, that when any County shall have been divided for the Purpose of returning Members to serve in Parliament for each Division, it shall be lawful to appoint Two Chief Constables for such County, if the Justices of such County shall think fit: Provided also, that it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties or Parts of Counties, if the Justices of such Counties in General or Quarter Session assembled shall mutually agree to join in such Appointment.

Notice of Proceedings under this Act to be inserted in Notices now required by Law.

V. And be it enacted, That, with the Notice of the Time of holding any such General or Quarter Session, or Adjournment thereof, as now required by Law, Notice shall be given of the Day and Hour at which any Business relating to the Adoption of this Act, or the Appointment or Dismissal of any Chief Constable under this Act, or the Increase or Diminution of the Number of Constables, will begin at such Session; and the Clerk of the Peace of each County shall give such Notice as last mentioned on the Requisition of any Five Justices acting for such County.

Chief Constable to appoint the Petty Constables.

VI. And be it enacted, That, subject to the Approval of Two or more of the Justices of the County in Petty Sessions assembled, the Chief Constable shall appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and at his Pleasure may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Justices in General or Quarter Session assembled, or at any Adjournment thereof, and to the Rules established for the Government of the Force.

Chief Constable empowered to appoint a Deputy under certain Restrictions.

VII. And be it enacted, That the Chief Constable shall, subject to the Approval of the Justices in General or Quarter Sessions assembled, or at any Adjournment thereof, appoint One of the Superintendents to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the Chief Constable: Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Calendar Months after the Vacancy has been occasioned.

Constables to have the Authority of Special Constables under 1 & 2 W. 4. c. 41.

VIII. And be it enacted, That the Chief Constable and other Persons so appointed shall be sworn as Constables before a Justice of the County, and shall have all the Powers, Privileges, and Duties throughout the County, and also in all Liberties and Franchises and detached Parts of other Counties locally situated within such County, and also in any County adjoining to the County for which they are appointed, which any Constable duly appointed has within

within his Constabewick by virtue of the Common Law, or of any Statute made or to be made; and every Provision of the first-recited Act shall be deemed to extend to the Constables appointed under this Act, except as to the Manner of their Appointment and Dismissal, the Time for which they shall serve, and the Manner in which their Allowances shall be paid, or as to any Matter herein expressly otherwise provided.

IX. And be it enacted, That no Chief Constable or other Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Calendar Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed, or for any County adjoining thereunto, or for any City or Borough within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, City, or Borough; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Calendar Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Treasurer of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

Constables disqualified from voting at certain Elections.

X. And be it enacted, That all chief or other Constables appointed under this Act shall be restrained from employing themselves in any Office or Employment for Hire or Gain other than in the Execution of their Duties under this Act, and shall be exempt from being returned and from serving upon any Juries or Inquests whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists while they shall continue to be such Constables.

Constables appointed under this Act not to exercise any other Employment, &c.

XI. And be it enacted, That no Office or Employment as a Chief Constable or Constable under this Act shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold or have such Office or Employment he might be or become entitled.

Not to prevent Constables from receiving Half Pay.

XII. And be it enacted, That every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before any Two Justices of the Peace for the County, shall be liable to a Penalty not more than Ten Pounds, the Amount of which Penalty may be deducted from any Salary then due to such Offender, or, in the Discretion of the Justices by whom he shall be convicted, may be imprisoned, with or without hard Labour, for any Time not more than One Calendar Month.

Penalty on Constables for Neglect of Duty.

XIII. And be it enacted, That no Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom

Constables not to resign without Leave or Notice.

he may be placed, or unless he shall give to such Chief Constable or Superintendent One Calendar Month's Notice of his Intention; and every Constable who shall so resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof before any Two Justices of the Peace for the County, to forfeit all Arrears of Pay then due to him, or to a Penalty not more than Five Pounds.

Constables dismissed to deliver up Accoutrements, &c.

XIV. And be it enacted, That every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before any Two Justices of the Peace for the County, to Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month; and it shall be lawful for any Justice of the Peace to issue his Warrant to search for and seize, to the Use of the County Police, all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XV. And be it enacted, That every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof before any Two Justices of the Peace for the County, to a Penalty not more than Ten Pounds.

Penalty on Publicans harbouring Constables during the Hours of Duty.

XVI. And be it enacted, That if any Victualler, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether Spirituous or otherwise, shall knowingly harbour or entertain any Constable belonging to the said Force, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid, being convicted thereof before any Two Justices of the Peace for the County, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as they shall think meet.

Chief Constable to attend at Quarter Sessions.

XVII. And be it enacted, That every Chief Constable, unless prevented by sufficient Cause, shall attend every General and Quarter Session of the Justices of the County, and at every Adjournment thereof, and shall make quarterly Reports to the Justices of all Matters which they shall require of him concerning the Police of the County, and shall obey all lawful Orders and Warrants of the said Justices in the Execution of his Duty; and that the Superintendents of Divisions shall in like Manner attend every

every Session of the Justices holden for their respective Divisions, and shall make the like Reports to the Justices of such Divisions.

XVIII. And be it enacted, That, in addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expences necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders, and in the Execution of his and their Duty under this Act; which Allowances shall be examined and audited by the Justices of the County in Quarter Sessions assembled.

Allowances
for necessary
Expences.

XIX. And be it enacted, That it shall be lawful for the Justices of any County in General or Quarter Session assembled, in case they shall not resolve on appointing Constables under this Act for the whole of their County, to resolve, with the Approval of the Secretary of State, on appointing Constables under this Act for any Division of the County for which Special or Petty Sessions of the Peace are holden, or for any Number of such Divisions of the County; and for that Purpose they, or the greater Number of them there assembled, not being less than Two, shall have all the Powers with regard to such Division or Divisions which they have with respect to the whole County under the Provisions hereinbefore contained; and all the Provisions hereinbefore contained with respect to the whole County shall be deemed to apply to such Division or Divisions as if it or they were the whole County; and the Provisions relating to the Chief Constable shall be deemed to apply to the Superintendent of each Division: Provided always, that if Constables shall be appointed under this Act in any Number of adjoining Divisions, a separate Police Establishment shall not be formed for each Division, but the whole shall be consolidated into One Police Establishment for the whole of such adjoining Divisions, and that if this Act shall be afterwards adopted for the whole County the several divisional Establishments of Police shall be consolidated and form Part of the general County Police Establishment.

Constables may
be appointed
for separate
Divisions.

XX. And be it enacted, That the Salaries and Allowances of the Chief Constable and other Constables, and all other Expences incurred in providing them with such Clothing, Accoutrements, and Necessaries as are allowed by the Rules, and in putting this Act in execution, shall be paid by the Treasurer of the County out of the County Rate.

Expences to be
defrayed out
of the County
Rate.

XXI. And be it enacted, That where this Act shall be adopted for any Division or Divisions, and not for the whole County, it shall be lawful for the Justices of the Peace for the said County assembled at any Quarter Sessions of the Peace, or any Adjournment thereof, from Time to Time to order the County Rates made upon the said Division or Divisions to be increased, and for that Purpose to rate every Parish, Township, and other Place, whether Parochial or Extra-parochial, within such Division or Divisions, in the same Manner as now authorized and practised by Law for County Rates, at such additional Sum over and above the Sum needed for the other Purposes of the County Rates as shall be needed for raising from such Division or Divisions respectively the Sums needed for the Purposes of this Act within such Division or Divisions respectively, and the total Amount of County Rate,

The Rates to be
made on each
Division where
there are Con-
stables may be
increased.

increased as aforesaid, to be levied upon every Parish, Township, and Place within any such Division, shall be specified in the Warrants issued for the Purposes of the County Rates by the Justices to the High Constables of every Hundred or other such District within the County comprising any Part of the said Division, and the High Constables shall issue their Warrants accordingly to the Overseers of the Poor and others authorized in that Behalf, in every Parish, Township, and Place within the said Division or Divisions.

Regulations as to County Rate to apply to the increased Rates levied hereby.
55 G. 3. c. 51.

XXII. And be it enacted, That all the Provisions of an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, or any other Act in force touching the making, collecting, or recovering County Rates, shall extend and apply to the making, collecting, and recovering the several increased Rates hereby authorized to be made, as fully as if the same increased Rates were made equally throughout the whole County.

Treasurer to keep separate Accounts of the Rates levied under this Act.

XXIII. And be it enacted, That the Treasurer of the said County shall keep a separate Account of the several Sums by him received and paid under this Act, and if the Act is not adopted for the whole County, separate Accounts for every Division, or Set of adjoining Divisions, having a separate Establishment of Constables under this Act, and shall produce the same to the Justices assembled at every Quarter Sessions of the Peace for the said County, and the same shall be examined and audited by the said Justices, and, being allowed and passed by them, shall be deposited with the Clerk of the Peace for the said County, to be kept among the Records thereof, and that such Allowance of the said Justices shall be a sufficient Release and Discharge to such Treasurer; and the said Justices so assembled as aforesaid may from Time to Time order such Allowance as they shall think reasonable to be paid out of the general Stock of the said County to the said Treasurer for his Trouble in the Execution of this Act.

Exemption of Borough Towns.

5 & 6 W. 4. c. 76.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize the Justices of the Peace of any County to appoint any Constable within any Borough incorporated under the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or under the Provisions of any Charter granted in pursuance of the said Act; nor shall any such Borough, for which a separate Court of Quarter Sessions of the Peace shall be holden, be liable to contribute to the Expences of this Act, or to be charged with any Part thereof in their Account with the Treasurer of such County.

Discontinuance of Constables under local and other Acts where this Act is in operation.

XXV. And be it enacted, That upon the Appointment of Constables under this Act in any County, or in any Division or Divisions of a County, the Power to appoint and pay, and to make Rates for paying, any Constables, in any Hundred, Parish, Township, or Place within such County, Division or Divisions, except such Boroughs as aforesaid, other than High Constables, or other than Special Constables appointed under the Provisions of the first-recited Act, or of any Act made for enlarging the Powers of Magistrates

gistrates under the said Act, or otherwise than under this Act, and also all the Powers and Duties of all such Constables, shall cease and determine; and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards Payment of the County Rates levied upon such Hundred, Parish, Township, or Place: Provided always, that all Arrears of Rates made for the Purposes aforesaid shall be levied and collected as if this Act had not been made: Provided also, that nothing herein contained shall prevent or invalidate the Appointment of Parochial Constables: Provided also, that nothing herein contained shall prevent the Appointment of any Constable to act as Returning Officer in any Election, whenever such Appointment may be necessary.

XXVI. Provided always, and be it enacted, That, notwithstanding any thing herein contained, the Power to appoint and pay, and to make and levy Rates for paying, Constables, under any Act of Parliament made for watching any Town, Parish, or Place, which by the last Parliamentary Enumeration of the Population contained more than Ten thousand Inhabitants, and the Powers and Duties of all Constables appointed by the Commissioners for the Execution of any such Act, shall continue, as if this Act had not been made, for Two Years after the passing of this Act, and thence until the End of the then next Session of Parliament.

Not to affect for Two Years any Places where the Population is more than 10,000.

XXVII. And be it enacted, That for the Purposes of this Act all detached Parts of Counties, and also all Liberties and Franchises, (other than such incorporated Boroughs as aforesaid,) shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties then as forming Part of that County with which they have the longest common Boundary; and so much of every such detached Part of any County, or of any Liberty and Franchise, which is not of itself an entire Hundred, Wapentake, Ward, Rape, Lathe, or such other Division of a County, shall be considered as forming Part of that Hundred, Ward, Wapentake, Rape, Lathe, or such other Division whereby it shall be surrounded in the County of which it shall be considered a Part for the Purposes of this Act, or if partly surrounded by Two or more Hundreds, Wapentakes, Wards, Rapes, Lathes, or such other Divisions, then as forming Part of that one with which it shall have the longest common Boundary.

Certain Liberties, &c. considered as forming Parts of Counties for Purposes of this Act.

XXVIII. And be it enacted, That in construing this Act the Word "County" shall be construed to mean County, Riding, or Division having a separate Court of Quarter Sessions of the Peace, or in which separate County Rates are made; and that all Things herein-before authorized to be done at Quarter Sessions may be done by the Justices in General Sessions assembled in those Counties in which County Rates are made in General Sessions; and that nothing herein contained shall extend to any Part of the Metropolitan Police District.

Meaning of "County."

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

C A P. XCIV.

An Act to exempt the Parliamentary Grant to the Heirs of *John Duke of Marlborough* from the Payment of the Duty of One Shilling and Sixpence in the Pound.

[27th August 1839.]

5 Ann. c. 4.

49 G. 3. c. 82.

The Pension settled on the Duke of Marlborough and his Issue by 5 Ann. c. 4. exempted from certain Duties.

‘ **W**HEREAS by an Act passed in the Fifth Year of the Reign of Queen *Anne*, for settling upon *John Duke of Marlborough* and his Posterity a Pension of Five thousand Pounds per Annum for the more honourable Support of their Dignities, an Annuity or yearly Pension of Five thousand Pounds was granted and charged upon the Revenues and Monies arising from the General Post Office, and made payable quarterly on the Days in the said Act mentioned, to the said Duke of *Marlborough* for his Life, and after his Decease to *Sarah Duchess of Marlborough* his Wife for her Life, and after her Decease to the Issue of the said Duke of *Marlborough*, in such Manner as in the said Act is mentioned: And whereas the said Annuity or yearly Pension is now chargeable with the several Duties of One Shilling and Sixpence in the Pound granted and made payable upon Pensions and Annuities by an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act for continuing and making perpetual several Duties of One Shilling and Sixpence, repealed by an Act of the last Session of Parliament, on Offices and Employments of Profit, and on Annuities, Pensions, and Stipends, and thereby granted for One Year, to the Twenty-fifth Day of March One thousand eight hundred and nine*; and it is expedient to exempt the said Annuity or Pension from the said Duties, in like Manner as the same was exempt before the passing of the said last-recited Act: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifth Day of *July* One thousand eight hundred and thirty-nine the said Annuity or yearly Pension, so as aforesaid granted and made payable to the said Duke of *Marlborough* and his Issue, shall be and the same is hereby exempted from the said Duties of One Shilling and Sixpence granted by the said Act of the Forty-ninth Year of King *George* the Third; any thing in the said Act or any other Act contained to the contrary notwithstanding.

C A P. XCV.

An Act for improving the Police in *Bolton* for Two Years, and from thence until the End of the then next Session of Parliament.

[27th August 1839.]

‘ **W**HEREAS Questions are pending as to the Powers of the Mayor, Aldermen, and Burgesses of the Borough of *Bolton* to levy Rates under the Authority of their Charter of Incorporation; and it is expedient to make Provision for the Police of the said Borough until such Questions shall be determined: Be it enacted by the Queen’s most Excellent Majesty, by and with the

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to establish a Police Office in the Borough of *Bolton*, and, by Warrant under Her Sign Manual, to appoint a fit Person to be Chief Commissioner of Police for the said Borough.

Her Majesty may establish a Police Office in *Bolton*, and appoint a Chief Commissioner of Police.

II. And be it enacted, That it shall be lawful for Her Majesty to appoint the said Chief Commissioner so appointed to be a Justice of the Peace of the said Borough and of the County of *Lancaster*, and of all Liberties therein, to execute the Duties of a Justice of the Peace at the said Office, together with such other Duties as shall be herein-after specified, or as shall be from Time to Time directed by One of Her Majesty's Principal Secretaries of State, for the more effectual Administration of the Police within the said Borough, notwithstanding that he may not have such Qualification by Estate as is required in the Case of other Persons being Justices of the Peace for a County; and Her Majesty may remove the said Commissioner if She shall see Occasion so to do; and upon any Vacancy in the said Office by Death, Removal, or otherwise, during the Continuance of this Act, another fit Person shall be appointed to be a Commissioner of Police of the said Borough and Justice of the Peace as aforesaid, instead of the Person by whom the Vacancy was made, and by the same Authority: Provided always, that no such Commissioner shall act as a Justice of the Peace of any Court of Sessions of the Peace, or in any Manner out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detention and Committal of Offenders, and in carrying into execution the Purposes of this Act.

Chief Commissioner may be a Justice.

III. And be it enacted, That every such Commissioner, before he shall begin to execute the Duties of his Office, shall take the following Oath before Two Justices of the Borough of *Bolton* or of the County of *Lancaster*; (that is to say,)

Oath of the Chief Commissioner.

‘ I *A.B.* do swear, That I will faithfully and honestly, without Fear or Favour, according to the best of my Skill and Knowledge, execute all the Powers and Duties of the Commissioner of Police of the Borough of *Bolton*, under an Act passed in the Third Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*].’

IV. And be it enacted, That an annual Salary not exceeding Six hundred Pounds shall be paid quarterly to the Chief Commissioner appointed by Her Majesty as aforesaid, out of the Rates herein-after mentioned.

Salary of the Chief Commissioner.

V. And be it enacted, That a sufficient Number of fit and able Men shall from Time to Time, by the Directions of One of Her Majesty's Principal Secretaries of State, be appointed by the said Commissioner as a Police Force for the whole of the Borough of *Bolton*, who shall be sworn in by the said Commissioner to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall, not only within the said Borough, but also within the County of *Lancaster*, and within all Liberties therein, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, as any Constable duly appointed has or hereafter may have within his

Police Force to be appointed for the whole Borough.

Constablewick by virtue of the Common Law of this Realm, or of any Statute made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from the said Commissioner for conducting themselves in the Execution of their Office.

Appointment
and Salary of
Receiver.

VI. And be it enacted, That the Treasurer of the said Borough shall receive all Sums of Money applicable to the Purposes of this Act, and shall be styled "Receiver of the Police of the Borough of *Bolton*," or in case such Treasurer shall refuse to take on him the Duties of the Office of Receiver, or shall be removed from the said Office, it shall be lawful for Her Majesty to appoint a proper Person to be Receiver; and Her Majesty may remove any such Receiver, and upon any Vacancy in the Office may appoint another Receiver; and every such Receiver shall give Security to Her Majesty in a Bond, with Two Sureties, in such Sum as the Commissioners of Her Majesty's Treasury shall direct, for the faithful Performance of his Duty as such Receiver; and a yearly Salary not exceeding Three hundred Pounds, to be payable quarterly, shall be allowed to every such Receiver out of the Monies so received by him.

Money to be
placed in a
Bank.

VII. And be it enacted, That the Receiver shall immediately pay all Monies, Bills, and Notes by him received under this Act into some Bank to be selected by the Commissioners of Her Majesty's Treasury, and the same shall be placed to an Account in the Books of such Bank, which shall be intituled "The Account of the Public Monies of the Receiver of Police for the Borough of *Bolton*," inserting the Name of the Receiver for the Time being; and every Draft or Order for Money on the said Bank shall be countersigned by the Commissioner appointed under this Act; and all Drafts and Orders so countersigned, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount to the Persons named in them, or to the Bearers thereof.

Provisions of
10 G. 4. c. 44.
extended to
Bolton during
the Continu-
ance of this
Act.

VIII. And be it enacted, That during the Continuance of this Act all the Powers of rating, and of levying and recovering Rates, and all other Powers and Provisions of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, shall apply to the Borough of *Bolton*, and to the Commissioner, Receiver, and Constables appointed under this Act, and to all Things done under the Authority of this Act, except so far as is herein otherwise provided, as if the said Act had been made applicable to the Borough of *Bolton* instead of the Metropolitan Police District, or any City or Borough therein, and to the County of *Lancaster* instead of the County of *Middlesex*, and to the Bank so selected by the Commissioners of Her Majesty's Treasury instead of the Bank of *England*, and as if the said Act had authorized the Appointment of One Justice instead of Two Justices; and the Provisions in the said Act contained with respect to the Night Watch and Night Police established in any Parish, Township, Precinct, or Place within the Metropolitan Police District before the passing of the said Act shall extend and be applied to any Watch or Police, either by Night or by Day, established in any Part of the Borough of *Bolton* before the passing of this Act; and upon the Establishment of the Police under this Act the Powers of all Constables appointed within the said

said Borough, or any Part thereof, otherwise than under this Act, shall cease during the Continuance of this Act; and the Appeal given by the said Act against any Assessment made by an Assessor appointed under the said Act may be made, in the Case of any Appeal against any Assessment made by an Assessor appointed under this Act, either to the Court of Sessions of the Peace holden for the Borough of *Bolton*, or to the Court of Quarter Sessions of the County of *Lancaster* holden at *Salford*, either of which Courts shall have all the Powers for hearing and determining and giving Relief in the Matter of any such Appeal which by the said Act are given to Justices of the Peace in Quarter Sessions assembled; and in the Form of Conviction used for Offences against this Act the Title of this Act shall be inserted instead of the Title of the said Act: Provided always, that nothing in the said Act contained, or in this Act by reference to the said Act, shall authorize the Extension of the Police District within the Provisions of this Act beyond the Borough of *Bolton*; and that the Overseers of each of the Townships of *Little Bolton* and of *Tonge with Haulgh* shall severally take an Account of the Proportion between the Amount contributed to any Rate for the Relief of the Poor from that Part of their respective Townships which is within the Borough and those Parts respectively which are not within the Borough; and that whenever the said Overseers shall have severally received any Warrant from the said Commissioner (which he is hereby authorized to issue to the Overseers of each of the said Townships in like Manner as if the whole of the said Townships had been within the Borough), and the said Overseers shall have levied any Amount required for the Purposes of this Act, they shall severally pay over to the said Receiver so much only of the Amount mentioned in the Warrant as shall bear the same Proportion to the whole Sum mentioned in the Warrant as the Amount contributed to the whole Rate from that Portion of their Townships which is within the Borough bears to the whole Rate, and shall retain the Remainder thereof in their own Hands, to be applied to the other Purposes of the Poor Rates; and such Remainder shall be taken as Payment, by the several Persons by whom the same shall have been contributed, from those Portions of the said several Townships which are not within the Borough, on account of the next Rate which shall be made in the said several Townships for the Relief of the Poor, and so as often as the Case shall arise: Provided also, that nothing herein contained shall prevent any Person from voting at any Election of a Member to serve in Parliament for any County, City, Borough, or Place other than the County of *Lancaster* and the Boroughs and Places therein: Provided also, that the Boroughreeves of *Great* and *Little Bolton* shall from Time to Time hereafter be appointed as if this Act had not passed.

IX. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for amending the Laws relating to the Appointment of Special Constables, and for the better Preservation of the Peace*, or any Act passed for enlarging the Powers of Justices of the Peace under the last-recited Act, but all the Powers and Authorities given by the said Acts or

Act not to affect
1 & 2 W. 4. c. 41.
or 10 G. 4. c. 44.

either of them may be exercised in the same Manner as if this Act had not been passed.

92 G. 3. c. 71.
(Local.)

X. ' And whereas an Act was passed in the Thirty-second Year of the Reign of King *George* the Third, intituled *An Act for inclosing, dividing, and allotting a certain Common or Waste Ground called Bolton Moor, and other the Commons and Waste Grounds within the Township of Great Bolton, in the County Palatine of Lancaster; and for widening, paving, lighting, watching, cleansing, and regulating the Streets, Lanes, Passages, and Places within the Towns of Great Bolton and Little Bolton; and for supplying the said Towns with Water; and for providing Fire Engines and Firemen; and for removing and preventing Nuisances, Encroachments, and Annoyances; and for licensing and regulating Hackney Coaches and Chairs within the said Towns;* and another Act was passed in the Fifty-seventh Year

57 G. 3. c. 59.
(Local.)

of the same Reign, intituled *An Act for granting further Powers for improving the Town of Great Bolton in the County of Lancaster;* and another Act was passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually cleansing, paving, lighting, watching, regulating, and improving the Township of Little Bolton in the County Palatine of Lancaster,* whereby certain Offences were forbidden in the several Townships of *Great Bolton* and *Little Bolton*, which several Townships, with the Exception of certain Parts of *Little Bolton*, form Part of the Borough of *Bolton*;

11 G. 4. &
1 W. 4. c. 46.
(Local.)

That it shall be lawful for any Constable appointed under this Act, and for all Persons whom he shall call to his Assistance, to take into Custody, without Warrant, any Person who, within View of any such Constable, in any Thoroughfare within the said Borough, or within any Part of the Township of *Little Bolton* not included in the said Borough, shall offend against any Provision of the said Acts or either of them, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

Offenders whose Names and Residences are unknown may be taken into Custody.

Persons charged with recent aggravated Assaults may be taken into Custody.

XI. And be it enacted, That it shall be lawful for any Constable appointed under this Act to take into Custody, without Warrant, any Person who within the said Borough shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Act not to affect any Charter of Incorporation, &c.

XII. Provided always, and be it enacted, That the Words "Treasurer of the said Borough" shall be taken to mean the Person for the Time being so called within the Borough of *Bolton*; and that nothing in this Act contained shall be deemed or taken to confirm his Appointment, or to sanction the Creation of such an Officer as a Corporate Officer, or to confirm or affect the Charter of Incorporation granted by Her Majesty in the Year One thousand eight hundred and thirty-eight, upon the Petition of certain of the Inhabitants of *Bolton*, or any Act done or to be done in pursuance of such Charter.

XIII. And

XIII. And be it enacted, That this Act shall continue in force for Two Years, and from thence until the End of the then next Session of Parliament. Continuance of Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

XV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

C A P. XCVI.

An Act to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into effect a Convention between Her Majesty and the King of the *French* relative to the Fisheries on the Coasts of the *British* Islands and of *France*.

[27th August 1839.]

‘ WHEREAS a Convention was concluded between Her Majesty and the King of the *French* on the Second Day of *August* One thousand eight hundred and thirty-nine, defining the Limits of the Oyster Fishery between the Island of *Jersey* and the neighbouring Coast of *France*, and also defining the Limits of the exclusive Right of Fishery on all other Parts of the Coast of the *British* Islands and *France*: And whereas by the Eleventh Article of the said Convention it is stipulated and agreed, that “with a view to prevent the Collisions which now from Time to Time take place, on the Seas lying between the Coasts of *Great Britain* and of *France*, between the Trawlers and the Line and Long Net Fishers of the Two Countries, the High Contracting Parties agree to appoint, within Two Months after the Exchange of the Ratifications of the present Convention, a Commission consisting of an equal Number of Individuals of each Nation, who shall prepare a Set of Regulations for the Guidance of the Fishermen of the Two Countries in the Seas above mentioned; the Regulations so drawn up shall be submitted by the said Commissioners to the Two Governments respectively for Approval and Confirmation; and the High Contracting Parties engage to propose to the Legislatures of their respective Countries such Measures as may be necessary for the Purpose of carrying into effect the Regulations which may be thus approved and confirmed:” And whereas the Regulations above mentioned may be agreed upon at a Time when Parliament is not sitting, but it may nevertheless be expedient that Her Majesty should be enabled to carry such Regulations into effect without Delay: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, by and with the Advice of Her Majesty’s Most Honourable Privy Council, to issue from Time to Time such Order or Orders as may be necessary for carrying into effect any Regulations which may be agreed upon by the *British* and *French* Commissioners to be appointed in conformity

Orders in Council may be issued for carrying into effect the Convention above mentioned.

formity with the Stipulations of the said Eleventh Article of the aforesaid Treaty: Provided always, that any such Order or Orders shall be published in the *London Gazette*, and shall be laid before Parliament within Six Weeks from the issuing thereof if Parliament should then be sitting, or if Parliament should not then be sitting, within Six Weeks from the meeting of the next ensuing Session of Parliament.

Duration of
Act.

II. And be it enacted, That this Act shall continue in force for Six Months after the Commencement of the next Session of Parliament.

C A P. XCVII.

An Act for funding Exchequer Bills. [27th August 1839.]

Terms for fund-
ing 500,000*l*.

‘ **W**HEREAS it is expedient to make Provision for satisfying the Principal Sums contained in certain Exchequer Bills dated in *March* and *June* One thousand eight hundred and thirty-nine, and charged on Aids and Supplies, to an Amount not exceeding Four Millions, by funding the same: And whereas the Governor and Company of the Bank of *England* have agreed to subscribe the Sum of Five hundred thousand Pounds in Exchequer Bills for the Purpose of being funded, and it is expedient to make Provision for the funding of the further Sum of Three millions five hundred thousand Pounds in Exchequer Bills towards completing the said Sum of Four Millions: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Governor and Company and their Successors, having deposited Twenty Pounds *per Centum* on the Amount of Five hundred thousand Pounds of Exchequer Bills dated in *March* and *June* One thousand eight hundred and thirty-nine, and charged on Aids and Supplies, which they subscribed, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled for every One hundred Pounds Principal Money contained in the Exchequer Bills so subscribed to the Sum of One hundred and nine Pounds Five Shillings and Ten-pence Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, to commence from the Fifth Day of *July* One thousand eight hundred and thirty-nine, which said Annuities shall be paid and payable at the Bank of *England* at the Times and in the Manner herein mentioned.

Future Instal-
ments.

II. And be it enacted, That the said Governor and Company shall deposit the future Instalments of the said Five hundred thousand Pounds of Exchequer Bills agreed to be subscribed by them in pursuance of this Act on or before the Days and Times hereinafter mentioned; (that is to say,) Twenty Pounds *per Centum* on or before the Twenty-seventh Day of *September* next, Twenty Pounds *per Centum* on or before the Eighth Day of *November* next, Twenty Pounds *per Centum* on or before the Twentieth Day of *December* next, and Twenty Pounds *per Centum* on or before the Thirty-first Day of *January* One thousand eight hundred and forty.

III. And

III. And be it enacted, That every Person who shall have subscribed any Exchequer Bills bearing Date in *March* and *June* One thousand eight hundred and thirty-nine, and charged on Aids and Supplies, to be funded, and not exceeding in the whole Three millions five hundred thousand Pounds of Exchequer Bills, on or before the Twenty-third Day of *August* One thousand eight hundred and thirty-nine, and shall have deposited Twenty Pounds *per Centum* on their said Subscriptions at the Bank of *England*, shall be entitled for every One hundred Pounds Principal Money contained in every Exchequer Bill so subscribed to the Sum of One hundred and ten Pounds Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, to commence from the Fifth Day of *July* One thousand eight hundred and thirty-nine, which said Annuities shall be paid and payable at the Bank of *England* at the Times and in the Manner herein mentioned.

Terms for funding
3,500,000*l.*

IV. And be it enacted, That the said several last-mentioned Subscribers shall deposit the future Instalments of Exchequer Bills with the Governor and Company of the Bank of *England* on or before the Days and Times herein-after mentioned; that is to say, Twenty Pounds *per Centum* on or before the Twenty-seventh Day of *September* next, Twenty Pounds *per Centum* on or before the Eighth Day of *November* next, Twenty Pounds *per Centum* on or before the Twentieth Day of *December* next, and Twenty Pounds *per Centum* on or before the Thirty-first Day of *January* One thousand eight hundred and forty.

Future Instalments.

V. And be it enacted, That every such Subscriber shall be entitled to receive Interest at the Office of the Paymasters of Exchequer Bills, upon all Exchequer Bills deposited by them respectively at the Bank of *England* in pursuance of this Act, in manner following; (that is to say,) upon the Amount of the Exchequer Bills deposited, for the First Instalment, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the Sixteenth Day of *August* One thousand eight hundred and thirty-nine; and for the Amount of such Exchequer Bills which shall be so deposited by any such Subscriber, for the Second and every subsequent Instalment, according to the Directions of this Act, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the several Days upon which such Instalments respectively became due.

Interest on Exchequer Bills.

VI. And be it enacted, That it shall be lawful for such Subscribers as aforesaid to deposit Exchequer Bills in advance; and in such Case, whenever Exchequer Bills shall be so deposited in advance, such Subscriber shall be entitled to and shall receive, at the Office of Paymasters of Exchequer Bills, the Interest due on such Exchequer Bills, from the Day of the Date thereof up to the Day when the several Instalments respectively would have become due if such Deposit had not been made in advance.

Interest on Bills deposited in advance.

VII. And be it enacted, That all and every Person and Persons, Bodies Politic and Corporate, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, shall, for every Sum of One hundred Pounds contained in such Exchequer Bills, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned, and the Interest or Dividends thereon shall be payable half-yearly

Interest on Stock.

at

at the Bank of *England* on the Fifth Day of *January* and the Fifth Day of *July* in every Year; and all Persons and Corporations entitled to any such Annuity or Annuities aforesaid, and his, her, and their Executors, Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said Annuities, according to the true Tenor and Meaning of this Act, until the Redemption thereof in the Manner herein directed, and shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Custom, or Usage to the contrary notwithstanding.

Stock to be placed to Credit of Subscribers in Books at Bank of *England*.

VIII. And be it enacted, That as soon as any Subscribers, their Executors, Administrators, Successors, or Assigns, shall have deposited at the Bank of *England* Exchequer Bills to the full Amount of the Sums subscribed by them respectively, the Principal Sum in Consolidated Three Pounds *per Centum* Annuities to which such Subscriber is entitled under the Provisions of this Act shall forthwith be entered in the Books of the Bank of *England*, and placed to the Credit of such respective Subscribers, their Executors, Administrators, Successors, and Assigns, completing such Deposits or Payments; and the Persons to whose Credit such Principal Sums shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credit the Principal Sums so deposited in Exchequer Bills by them respectively; and that such of the said Subscribers, their Executors, Administrators, Successors, or Assigns, who shall complete the Deposits of such Parts of the whole Amount subscribed by them respectively towards the said Sum of Four Millions at any Time before the Governor and Company of the Bank of *England* shall have prepared their Receipts according to the Directions of this Act, shall be entitled to have the Amount so deposited forthwith placed to their Credit in the Books of the Bank of *England*, and the said Governor and Company are hereby required to cause such Sums to be forthwith placed to the Credit of the Persons entitled to the Annuities in respect thereof in the Books of the said Bank of *England*, and such Entries in the said Books shall be in lieu of the Receipts hereby directed to be given for all Sums deposited in manner aforesaid, and such Sums shall carry the Annuities after the Rate of Three Pounds *per Centum*, redeemable by Parliament, and shall respectively be taken and deemed to be Stock transferrable according to the true Intent and Meaning of this Act.

First Payment of Interest when to be payable.

IX. Provided always, and be it enacted, That all and every such Subscriber or Subscribers, his, her, or their Executors, Administrators, Successors, and Assigns, who shall have deposited with the Governor

Governor and Company of the Bank of *England* the whole of his, her, or their Subscription on or before the Second Day of *January* One thousand eight hundred and forty, at the Bank of *England*, shall be entitled to receive on the Fifth Day of *January* One thousand eight hundred and forty the Half Year's Annuity on the said Annuities that shall become due on the said Fifth Day of *January* One thousand eight hundred and forty; and that all and every Person or Persons who shall not have completed the whole of their said Instalments on or before the said Second Day of *January* One thousand eight hundred and forty shall, on completing the same within the Time in this Act prescribed, be entitled to receive on the Fifth Day of *July* One thousand eight hundred and forty the Year's Annuity on the said Annuities, from the Fifth Day of *July* One thousand eight hundred and thirty-nine, according to the true Intent and Meaning of this Act.

X. ' And whereas it is expedient, in relation to the said Sum of Four Millions, to make further Provision for the funding thereof in case the whole of the said Sum shall not have been subscribed on or before the Twenty-third Day of *August* One thousand eight hundred and thirty-nine; ' be it therefore enacted, That the Governor and Company of the Bank of *England* shall be and they are hereby authorized and empowered to receive from any Holder or Holders of Exchequer Bills dated in *March* or *June* One thousand eight hundred and thirty-nine, and charged on Aids and Supplies, any Amount of Exchequer Bills (not less in One Deposit than One thousand Pounds), and not exceeding in the whole such a Sum as, together with the Sums which may have been subscribed on or before the Twenty-third Day of *August* One thousand eight hundred and thirty-nine, shall make up the said Sum of Four Millions, to be exchanged for Consolidated Annuities bearing Interest at the Rate of Three Pounds *per Centum per Annum*, estimating the Amount of the said Consolidated Annuities to be given in exchange at a quarterly Average Price, to be ascertained in manner herein-after mentioned.

Further funding
after 23d August
1839.

XI. ' And whereas the said Cashier or Cashiers are required and do make up and return to the Commissioners for the Reduction of the National Debt an Account pursuant to the Directions of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years*, showing the daily Average Price of Bank Annuities; ' be it therefore enacted, That the said Commissioners, or the Comptroller General or the Assistant Comptroller acting under the said Commissioners, shall, at the End of every Quarter of the Year, commencing with the Quarter ending the Fifth Day of *July* One thousand eight hundred and thirty-nine, make up an Account from the said Returns (to be countersigned by the Actuary or other proper Officer of the Check Department of the National Debt Office), showing the Average Price of Consolidated Three Pounds *per Centum* Annuities, after excluding therefrom the Interest or Dividend which shall have accrued thereon from Day to Day during the said Quarter, and shall publish such Average Price in the *London Gazette* for the Purposes of this Act.

Ascertaining
Price of Con-
sols.

10 G. 4. c. 24.

XII. And

Persons deliver-
ing in Exche-
quer Bills to be
entitled to
Stock.

XII. And be it enacted, That upon the Holder or Holders of any Exchequer Bills delivering in to the Bank of *England* any Exchequer Bills in pursuance and according to the last-mentioned Provisions of this Act, the said Governor and Company shall direct their Accountant General to enter and place to the Credit of the several and respective Persons who shall have delivered in Exchequer Bills as aforesaid the several and respective Amounts of the Consolidated Three Pounds *per Centum* Annuities to which they shall be entitled; (that is to say,) to such an Amount of Consolidated Three Pounds *per Centum* Annuities as every One hundred Pounds Principal Money contained in such Exchequer Bill would produce, estimating the same according to the said Average Price made up and published as herein-before directed.

Dividend when
to be payable.

XIII. And be it enacted, That the First Half Year's Dividend payable on the Consolidated Three Pounds *per Centum* Annuities created in pursuance of and according to the last-mentioned Provisions of this Act shall be made at the Times following; (that is to say,) on the Fifth Day of *January* in respect of all Exchequer Bills delivered in at the Bank of *England* to be cancelled at any Time during the Half Year of the Year ending on the Fifth Day of *July* preceding such Fifth Day of *January*, and on the Fifth Day of *July* in respect of all Exchequer Bills delivered in at any Time during the Half Year of the Year ending on the Fifth Day of *January* preceding such Fifth Day of *July*; and all future Half-yearly Dividends payable on the said Consolidated Annuities shall be made with reference to the Time of such first half-yearly Dividend.

Cashier to
certify to Trea-
sury the Amount
of Bills and of
Stock.

XIV. And be it enacted, That the Chief Cashier or Cashiers of the said Governor and Company shall, upon the delivering in of such last-mentioned Exchequer Bills to be cancelled, forthwith, from Time to Time as such Exchequer Bills shall be so delivered in, certify to the Commissioners of Her Majesty's Treasury the Amount thereof, and also the Amount of the Consolidated Three Pounds *per Centum* Annuities created thereby.

Exchequer Bills
to be cancelled,
and Interest
paid.

XV. And be it enacted, That the said Governor and Company shall cause all Exchequer Bills delivered in under the Provisions of this Act as last mentioned to be forthwith transmitted to the Paymasters of Exchequer Bills to be cancelled, and the said Paymasters are hereby authorized and required, upon the Receipt thereof, to mark and cancel the same, and compute the Interest which shall be due thereon up to the Fifth Day of *January* or the Fifth Day of *July* (as the Case may be) next ensuing the Delivery of the said Bills, and from which Day the Interest on the Stock of Consolidated Three Pounds *per Centum* Annuities, to be granted in lieu of such Exchequer Bills, will under the Provisions of this Act commence; and the Paymasters of Exchequer Bills shall certify to the Commissioners of Her Majesty's Treasury the Amount of such Exchequer Bills and the Interest due thereon as aforesaid.

Guardians, &c.
may subscribe
Bills.

XVI. And be it enacted, That it shall be lawful for any Guardian or Trustee having the Disposition of any Exchequer Bills of any Infant to subscribe for or towards advancing any Sum under the Provisions of this Act, and such Infant, upon the Deposit of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to

have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and the said Guardian and Trustee, as to the said Sum or Sums so subscribed, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills.

XVII. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled 'An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent,'* it was enacted, that Exchequer Bills to an Amount not exceeding One million Pounds in the whole should be issued and applied to the Purposes and in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to the Amount of Six hundred and forty thousand Pounds were so issued: And whereas, pursuant to a Provision in the said Act contained empowering them in that Behalf, the Governor and Company of the said Bank of *Ireland* have advanced and lent upon the Credit of the Exchequer Bills issued under the said Act the Sum of Six hundred and forty thousand Pounds: And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*, it was enacted, that Exchequer Bills to an Amount not exceeding Two hundred and sixty thousand Pounds in the whole should be issued and applied to the Relief of the Owners of Tithes or Compositions for Tithes in *Ireland* in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to a certain Amount have been so issued, and the Residue thereof will be required to be issued for the Purposes of the said Act: And whereas, pursuant to a Provision in the said last-mentioned Act contained empowering them in that Behalf, the Governor and Company of the said Bank of *Ireland* have advanced and lent, or agreed to advance and lend, upon the Credit of the Exchequer Bills issued and to be issued under the said Act, the Sum of Two hundred and sixty thousand Pounds: And whereas it is expedient to make Provision for satisfying the Principal Sums contained in such Exchequer Bills, and the Interest accrued or which shall accrue due thereon, by funding the same, and the Governor and Company of the said Bank of *Ireland* have agreed that the same shall be funded accordingly; be it therefore enacted, That the Governor and Company of the said Bank of *Ireland* shall, by Five several Instalments, at the Times and in the Proportions herein-after mentioned, transmit and deliver over to the Paymasters of Exchequer Bills all such Exchequer Bills made out under the Authority of the said recited Acts, not exceeding in the whole the Sum of Nine hundred thousand Pounds, held or which shall be held by them by virtue of the Agreements aforesaid; and shall, upon the Completion of such Instalments, in

Bank of Ireland
to exchange
Exchequer Bills
for Consolidated
Annuities.
3&4 W. 4. c. 100.

1 & 2 Vict. c. 109.

the

Persons deliver-
ing in Exche-
quer Bills to be
entitled to
Stock.

XII. And be it enacted, That upon the Holder or Holders of any Exchequer Bills delivering in to the Bank of *England* any Exchequer Bills in pursuance and according to the last-mentioned Provisions of this Act, the said Governor and Company shall direct their Accountant General to enter and place to the Credit of the several and respective Persons who shall have delivered in Exchequer Bills as aforesaid the several and respective Amounts of the Consolidated Three Pounds *per Centum* Annuities to which they shall be entitled; (that is to say,) to such an Amount of Consolidated Three Pounds *per Centum* Annuities as every One hundred Pounds Principal Money contained in such Exchequer Bill would produce, estimating the same according to the said Average Price made up and published as herein-before directed.

Dividend when
to be payable.

XIII. And be it enacted, That the First Half Year's Dividend payable on the Consolidated Three Pounds *per Centum* Annuities created in pursuance of and according to the last-mentioned Provisions of this Act shall be made at the Times following; (that is to say,) on the Fifth Day of *January* in respect of all Exchequer Bills delivered in at the Bank of *England* to be cancelled at any Time during the Half Year of the Year ending on the Fifth Day of *July* preceding such Fifth Day of *January*, and on the Fifth Day of *July* in respect of all Exchequer Bills delivered in at any Time during the Half Year of the Year ending on the Fifth Day of *January* preceding such Fifth Day of *July*; and all future Half-yearly Dividends payable on the said Consolidated Annuities shall be made with reference to the Time of such first half-yearly Dividend.

Cashier to
certify to Treas-
ury the Amount
of Bills and of
Stock.

XIV. And be it enacted, That the Chief Cashier or Cashiers of the said Governor and Company shall, upon the delivering in of such last-mentioned Exchequer Bills to be cancelled, forthwith, from Time to Time as such Exchequer Bills shall be so delivered in, certify to the Commissioners of Her Majesty's Treasury the Amount thereof, and also the Amount of the Consolidated Three Pounds *per Centum* Annuities created thereby.

Exchequer Bills
to be cancelled,
and Interest
paid.

XV. And be it enacted, That the said Governor and Company shall cause all Exchequer Bills delivered in under the Provisions of this Act as last mentioned to be forthwith transmitted to the Paymasters of Exchequer Bills to be cancelled, and the said Paymasters are hereby authorized and required, upon the Receipt thereof, to mark and cancel the same, and compute the Interest which shall be due thereon up to the Fifth Day of *January* or the Fifth Day of *July* (as the Case may be) next ensuing the Delivery of the said Bills, and from which Day the Interest on the Stock of Consolidated Three Pounds *per Centum* Annuities, to be granted in lieu of such Exchequer Bills, will under the Provisions of this Act commence; and the Paymasters of Exchequer Bills shall certify to the Commissioners of Her Majesty's Treasury the Amount of such Exchequer Bills and the Interest due thereon as aforesaid.

Guardians, &c.
may subscribe
Bills.

XVI. And be it enacted, That it shall be lawful for any Guardian or Trustee having the Disposition of any Exchequer Bills of any Infant to subscribe for or towards advancing any Sum under the Provisions of this Act, and such Infant, upon the Deposit of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to

have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and the said Guardian and Trustee, as to the said Sum or Sums so subscribed, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills.

XVII. 'And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled 'An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent,'* it was enacted, that Exchequer Bills to an Amount not exceeding One million Pounds in the whole should be issued and applied to the Purposes and in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to the Amount of Six hundred and forty thousand Pounds were so issued: And whereas, pursuant to a Provision in the said Act contained empowering them in that Behalf, the Governor and Company of the said Bank of *Ireland* have advanced and lent upon the Credit of the Exchequer Bills issued under the said Act the Sum of Six hundred and forty thousand Pounds: And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof,* it was enacted, that Exchequer Bills to an Amount not exceeding Two hundred and sixty thousand Pounds in the whole should be issued and applied to the Relief of the Owners of Tithes or Compositions for Tithes in *Ireland* in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to a certain Amount have been so issued, and the Residue thereof will be required to be issued for the Purposes of the said Act: And whereas, pursuant to a Provision in the said last-mentioned Act contained empowering them in that Behalf, the Governor and Company of the said Bank of *Ireland* have advanced and lent, or agreed to advance and lend, upon the Credit of the Exchequer Bills issued and to be issued under the said Act, the Sum of Two hundred and sixty thousand Pounds: And whereas it is expedient to make Provision for satisfying the Principal Sums contained in such Exchequer Bills, and the Interest accrued or which shall accrue due thereon, by funding the same, and the Governor and Company of the said Bank of *Ireland* have agreed that the same shall be funded accordingly; be it therefore enacted, That the Governor and Company of the said Bank of *Ireland* shall, by Five several Instalments, at the Times and in the Proportions herein-after mentioned, transmit and deliver over to the Paymasters of Exchequer Bills all such Exchequer Bills made out under the Authority of the said recited Acts, not exceeding in the whole the Sum of Nine hundred thousand Pounds, held or which shall be held by them by virtue of the Agreements aforesaid; and shall, upon the Completion of such Instalments, in the

Bank of Ireland
to exchange
Exchequer Bills
for Consolidated
Annuities.
3&4W.4. c. 100.

1 & 2 Vict. c. 109.

or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer of *Great Britain* to the First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the Annuities respectively payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer in *Great Britain*; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Receipts to be
assignable.

XXIV. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Subscription towards the said Sums of Five hundred thousand Pounds and Three millions five hundred thousand Pounds respectively shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited by them respectively, and the Receipt so to be given shall be assignable at any Time before the Second Day of *January* One thousand eight hundred and forty, and no longer, and shall from Time to Time deliver to the Paymasters of Exchequer Bills all the Exchequer Bills which shall be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest, and shall account for the same in the said Exchequer according to the due Course thereof.

Bills to be can-
called.

XXV. And be it enacted, That all the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of *England* shall be from Time to Time transmitted by the said Governor and Company, and delivered over to the Paymasters of Exchequer Bills, to be cancelled, and the Receipt for such Exchequer Bills, signed by any Two of the said Paymasters, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymasters of Exchequer Bills are hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Subscribers
Names to be
entered in a
Book at Bank
of England.

XXVI. And be it enacted, That in the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant

countant General shall, on or before the Fifth Day of *July* One thousand eight hundred and forty, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster*, there to remain for ever.

XXVII. And be it enacted, That the Accountant General of the Governor and Company of the Bank of *England* shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded under the Provisions of this Act, and also the total Amount of the Capital Stock in the Consolidated Three Pounds *per Centum* Annuities which shall be created thereby and by the funding of the said Exchequer Bills to be delivered up by the Governor and Company of the said Bank of *Ireland* as herein-before provided.

Bank to certify Amount of Bills funded and of Stock created.

XXVIII. And be it enacted, That such Subscribers duly depositing or paying in the whole Sum so subscribed at or before the respective Times in this Act limited in that Behalf, and their respective Executors, Administrators, Successors, and Assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy, the said Annuities by this Act granted in respect of the Sum so subscribed, and shall have good and sure Interests and Estates therein, according to the several Provisions in this Act contained, and the said Annuities shall be free from all Taxes, Charges, and Impositions whatsoever: Provided always, that in case any such Subscribers who have already deposited with or shall hereafter deposit or pay to the said Cashier or Cashiers any Exchequer Bills at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner before mentioned, then and in every such Case so much of the respective Sum or Sums so subscribed as shall have been actually deposited or paid in part thereof to the said Cashier or Cashiers shall be forfeited for the Benefit of the Public, and all Right and Title to the said Annuities after the Rate of Three Pounds *per Centum* in respect thereof shall be extinguished, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Subscribers duly paying in Sum subscribed to be entitled to Annuities hereby granted.

Subscribers not paying up Sums subscribed, their Deposits to be forfeited.

XXIX. And be it enacted, That Books shall be constantly kept by the said Accountant General for the Time being wherein all Assignments or Transfers of all Sums advanced or contributed under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by their respective Attorney or Attornies thereunto lawfully authorized, in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Annuities or any Part thereof, or any Interest therein, shall be good or available in Law: Provided always, that all Persons possessed of any

Books for Transfers.

Share or Interest in the said Annuities, or any Estate or Interest therein, may devise the same by Will in Writing, attested by Two or more credible Witnesses, but no Payment shall be made upon any such Devise until so much of the said Will as relates to such Share, Estate, or Interest in the said Annuities shall be entered in the Books of the said Office; and in default of such Transfer or Devise such Share, Estate, or Interest in the said Annuities shall go to the Executors, Administrators, Successors, and Assigns; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Payment for incident Charges and to Bank for Services performed.

XXX. Provided always, and be it enacted, That any Three or more of the said Commissioners of the Treasury, or the said Lord High Treasurer for the Time being, shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Consols to be One Capital Stock.

XXXI. And be it enacted, That all the said Consolidated Three Pounds *per Centum* Annuities created by virtue of this Act shall be deemed and taken to be, and shall from Time to Time be added to and shall form Part of, the Capital of the Consolidated Three Pounds *per Centum* Annuities transferrable at the Bank of *England*, and all and every Person and Persons, Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock and in the Annuity attending the same at the Rate aforesaid; and the whole Capital or Joint Stock, or any Share or Interest therein, and the proportionable Annuity attending the same, shall be assignable and transferrable as this Act directs, and not otherwise; and there shall be constantly kept in the Office of the said Accountant General for the Time being within the City of *London* a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same at the Rate aforesaid, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if any such Party or Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer or Transfers shall be made shall respectively underwrite his, her, or their Acceptance thereof, and no other Method of assigning or transferring the said Stock, and the Annuities attending the same, or any Part thereof or any Interest therein, shall be good and available in Law; and no Stamp Duties

Transfers.

whatsoever shall be charged on the said Transfers or any of them.

XXXII. And be it enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole or any Part or Parts of the said Subscription towards the said Sum of Four Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and liable to be transported beyond the Seas for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years, under the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to abolish the Punishment of Death in Cases of Forgery*.

Forgery.

7 W. 4. &
1 Vict. c. 84.

XXXIII. And be it enacted, That the said Governor and Company of the Bank of *England* and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid, and that the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Bank to continue a Corporation.

XXXIV. And be it enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction, or Order of Restraint, or any more than One Impar lance, shall be granted or allowed.

No Fee for Payments.

XXXV. And be it enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter

General Issue.

in Evidence, in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

- (a) *For 31 Years, &c. [i. e. to the End of the next Session] from a Day named in the Act.*
 (b) *For 31 Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; to each of which is annexed a Clause in the Form following:

“ And be it further enacted, That this Act shall be deemed
 “ and taken to be a Public Act, and shall be judicially taken
 “ notice of as such by all Judges, Justices, and others, with-
 “ out being specially pleaded.”

Cap. i.

An Act to amend the several Acts relating to the *Preston and Wyre Railway and Harbour Company.* [27th March 1839.]
 [Powers of 5 & 6 W. 4. c. lviii. and 7 W. 4. & 1 Vict. c. xxviii. (except as altered) extended to this Act, § 1.]

Cap. ii.

An Act for effecting Improvements in the Streets and other Places within and contiguous to the Town of *Manchester.* [19th April 1839.]
 [Powers of 5 G. 4. c. cxxxiii. 9 G. 4. c. cxvii. 11 G. 4. & 1 W. 4. c. xlvii. 1 W. 4. c. lxxvi. 2 & 3 W. 4. c. xxxvi. and 6 & 7 W. 4. c. xvi. extended to this Act, § 1. Saving the Rights of the *Manchester and Salford Waterworks Company,* § 12.]

Cap. iii.

An Act for incorporating “ *The Preston Gas Light Company,*” and for better lighting with Gas or otherwise the Parliamentary Borough of *Preston,* and the Townships and Places therein mentioned, in the County of *Lancaster.* [19th April 1839.]

Cap. iv.

An Act for repairing the Road from *Epsom* to *Tooting*, and other Roads communicating therewith, all in the County of *Surrey*. (a)
[19th April 1839.]

[28 G. 2. c. 57. 20 G. 3. c. 100. 41 G. 3. c. ix. and 55 G. 3. c. iv. repealed, § 1. One Toll only to be paid for passing and repassing through all the Gates on the Road, § 9. Horses drawing different Carriages to be again liable to Toll, § 12. No more Money to be expended in Repair of Roads than is collected thereon, § 16. Tolls not to be applied in repairing Streets, &c., § 17.]

Cap. v.

An Act for enabling the General Cemetery Company to raise a further Sum of Money; and for amending the Act relating to the said Cemetery.
[14th May 1839.]

[Powers of 2 & 3 W. 4. c. cx. (except as altered) extended to this Act, § 1.]

Cap. vi.

An Act for the better lighting and supplying the Borough of *Newark* in the County of *Nottingham*, and the Neighbourhood thereof, with Gas.
[14th May 1839.]

[Saving the Rights of the Commissioners of Paving, § 99.]

Cap. vii.

An Act for lighting with Gas the Town of *Holmfirth* and the Neighbourhood thereof, in the West Riding of the County of *York*.
[14th May 1839.]

Cap. viii.

An Act for providing a Market Place, and for regulating the Markets and Fairs, in the Town and Borough of *Bury* in the County Palatine of *Lancaster*.
[14th May 1839.]

Cap. ix.

An Act to amend an Act of the Seventh and Eighth of King *George* the Fourth, for building a new Gaol for the Town of *Cambridge*, and for making further Provision for Payment of Creditors under the said Act.
[14th May 1839.]

[Powers of 7 & 8 G. 4. c. cxi. (except as altered) extended to this Act, § 1. Saving the Rights of the University, § 11.]

Cap. x.

An Act for the more effectual Drainage of certain Lands called the Fen and Dales of *Timberland* and *Timberland Thorpe*, in the Parish of *Timberland* in the County of *Lincoln*.
[14th May 1839.]

[25 G. 3. c. 14. wholly, and 37 G. 3. c. 67. in part repealed, § 1. Saving the Rights of the Commissioners of the River *Witham*, § 74; and of Lords of Manors, § 76.]

Cap. xi.

An Act to enable the *Rhymney* Iron Company to erect and endow a Church in the Parish of *Bedwelty* in the County of *Monmouth*.
[14th May 1839.]

Cap. xii.

An Act for making a Turnpike Road from the Town of *Redruth* in the County of *Cornwall* to and through the Village of *Hayle* in the Parish of *Phillack* in the same County. (b)
[14th May 1839.]

[Tolls to be paid but once a Day at same Gate, § 17; and Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Line, § 18. No Exemption allowed for Horses, &c. drawing Corn, Hay, Manure, &c., unless in Wag-gons, &c. with broad Wheels, § 22.]

Cap. xiii.

An Act for repairing the Road from *Cotton End* near the Town of *Northampton* to *Newport Pagnel* in the County of *Buckingham*. (a)
[14th May 1839.]

[37 G. 3. c. 177. and 58 G. 3. c. xl. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 8. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, § 9.]

Cap. xiv.

An Act to extend, alter, and amend the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, relating to the *New Cross* Turnpike Roads in the Counties of *Kent* and *Surrey*.
[14th May 1839.]

[Powers of 7 G. 4. c. cxxv. (except as altered) extended to this Act, § 3. Act to take effect from 1st Oct. 1839, and to continue in force for the Term granted by recited Act, § 4.]

Cap. xv.

An Act for repairing and maintaining the Road from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, in the County of *Nottingham*. (b)
[14th May 1839.]

[10 G. 3. c. 92. 31 G. 3. c. 132. and 52 G. 3. c. xc. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 9. Three full Tolls only to be taken on same Day for passing from *Worksop* to the Turnpike Road at *Kelham*, and from *Debdale Hill* to the Great Northern Road at *South Muskham*, § 10. Tolls not to be laid out in repairing Streets, § 14. No more Money to be laid out in repairing Roads than is collected thereon, § 15.]

Cap. xvi.

An Act for extending, improving, regulating, and managing the Harbour of the Royal Burgh of *Aberbrothwick* in the County of *Forfar*.
[14th May 1839.]

[Saving the Rights of the Magistrates and Town Council, § 107.]

Cap. xvii.

An Act for discharging the Inhabitants of the Manor of *Leeds* in the Township and Parish of *Leeds* in the County of *York* from the Custom of grinding Corn, Grain, and Malt at certain Water Cornmills in the said Manor; and for making Compensation to the Proprietor of the said Mills. [14th *May* 1839.]

Cap. xviii.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *London* and *Croydon* Railway. [4th *June* 1839.]

[*Powers of 5 W. 4. c. x. 7 W. 4. c. cxxi. and 1 Vict. c. xx. (except as altered) extended to this Act, § 1.*]

Cap. xix.

An Act for granting further Powers to the *London* and *Greenwich* Railway Company. [4th *June* 1839.]

[*Powers of 3 W. 4. c. xlvi. 7 W. 4. § 1 Vict. c. l. and 1 & 2 Vict. c. iv. (except as altered) extended to this Act, § 1.*]

Cap. xx.

An Act for more effectually repairing and maintaining the Road from *Padbrooke Bridge* in the Parish of *Cullompton* to *Hazel Stone* in the Parish of *Broadclist*, all in the County of *Devon*. (a) [4th *June* 1839.]

[53 *G. 3. c. lxxv. repealed, § 1. Tolls to be paid but once a Day, § 8.*]

Cap. xxi.

An Act to alter, amend, and enlarge the Powers and Provisions of Two several Acts of the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of King *William* the Fourth, and Fourth and Fifth Year of the Reign of King *William* the Fourth, for improving the Port and Harbour of *Perth*, and the Navigation of the River *Tay* to the said City. [4th *June* 1839.]

[*Powers of 11 G. 4. & 1 W. 4. c. cxxi. and 4 & 5 W. 4. c. lxxvii. (except as altered) extended to this Act, § 6.*]

Cap. xxii.

An Act for more effectually repairing and improving the Road from *Wearmouth Bridge* to *Tyne Bridge*, with a Branch from the said Road to the Town of *South Shields*, all in the County of *Durham*. [4th *June* 1839.]

[36 *G. 3. c. 136. and 53 G. 3. c. xxix. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 7. Two full Tolls only to be taken on same Day for passing or re-passing through all the Gates from Wearmouth Bridge to Tyne Bridge, and One Toll only from Wearmouth Bridge to South Shields, § 8. No more Money to be laid out on Branch Roads than is collected thereon, § 13. Tolls not to be expended in repairing Streets, § 14. Penalty of 40s. for hanging out Linen, &c. within Forty Feet of the Centre of the Road, § 17.*]

Cap. xxiii.

An Act for repairing and maintaining the Road from the Town of *Rugby* to the Borough of *Warwick*, all in the County of *Warwick*. (a) [4th June 1839.]

[58 G. 3. c. xxxii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 7. Only Two full Tolls to be taken on same Day for passing through all the Gates on the Road, § 8. Tolls not to be laid out in repairing Streets of *Rugby*, § 13.]

Cap. xxiv.

An Act to consolidate, amend, enlarge, and extend the Powers and Provisions of Two Acts of King *George* the Third, for better supplying the Town and Neighbourhood of *Rochdale* with Water.

[4th June 1839.]

[49 G. 3. c. xxv. and 56 G. 3. c. lxi. repealed, § 1.]

Cap. xxv.

An Act for enabling the *Cheltenham* Waterworks Company to enlarge and extend their Works, and for amending the Act relating thereto. [4th June 1839.]

[Powers of 5 G. 4. c. cxxxii. (except as altered) extended to this Act, § 1.]

Cap. xxvi.

An Act for enabling the Company of Proprietors of the *Herefordshire* and *Gloucestershire* Canal Navigation to raise a further Sum of Money, and for amending the Acts relating thereto.

[4th June 1839.]

[Powers of 31 G. 3. c. 89. and 33 G. 3. c. 119. (except as altered) extended to this Act, § 1.]

Cap. xxvii.

An Act to amend the Acts relating to "The Great Western Railway;" and to raise a further Sum of Money for the Purposes of the said Undertaking. [4th June 1839.]

[Powers of 5 & 6 W. 4. c. cvii. 6 W. 4. c. xxxviii. 1 Vict. cc. xci. xcii. (except as altered) extended to this Act, § 1. Saving the Rights of the Commissioners of Sewers for *Westminster*, § 34.]

Cap. xxviii.

An Act to amend the Acts relating to the *London* and *Southampton* Railway Company, hereafter to be called "The *London* and *South-western* Railway Company," and to make a Branch Railway to the Port of *Portsmouth*. [4th June 1839.]

[Powers of 4 & 5 W. 4. c. lxxxviii. and 7 W. 4. & 1 Vict. c. lxxi. (except as altered) extended to this Act, § 1.]

Cap. xxix.

An Act for repairing, improving, and maintaining the Roads from *Clitheroe*, through *Whalley*, to *Blackburn* and *Mellor Brook* in the County Palatine of *Lancaster*, and for making a new Piece of Road to communicate therewith. (a) [14th June 1839.]

[59 G. 3. c. li. repealed, § 1. Four full Tolls only to be taken on same Day at same Gate, § 12; and Four only from *Clitheroe* to *Blackburn*

Blackburn, and Three only from Whalley to Mellor Brook, § 19. No Exemption allowed for Road Materials, &c. if drawn in Carriages with narrow Wheels, § 19. Road Materials to pay Half Toll during the Winter Months, § 21.]

Cap. xxx.

An Act for making a Turnpike Road from *Morville* to *Shipton*, with a Branch to *Brockton*, and another Branch from *Brockton* to *Easthope's Cross*, all in the County of *Salop.* (a)

[14th June 1839.]

[*Tolls not to be laid out in repairing Streets, § 18. No Exemption allowed for Lime or Lime Ashes, § 21. Two full Tolls only to be taken on same Day between Morville and Shipton or between Morville and Easthope's Cross, and One only between Weston and Brockton or Brockton and Easthope's Cross, § 22. Tolls to be paid but once a Day at same Gate, § 23.]*

Cap. xxxi.

An Act for repairing, improving, and maintaining the Roads from *Bury*, through *Haslingden*, to *Blackburn* and *Whalley*, and other Roads communicating therewith, in the County Palatine of *Lancaster.* (a)

[14th June 1839.]

[1 *W. 4. c. xxxvii. repealed, § 1. Four full Tolls only to be taken on same Day at same Gate, § 12.; and no more than One full Toll on same Day from Bridge End to Dearden Gate, and Four only from Bury to Haslingden, or from Haslingden along the direct Road to Blackburn, or from Haslingden to Whalley, and Two full Tolls only from the North-west Foot of Fecit Brow to the Dwelling House in the Township of New Accrington formerly in the Occupation of James Fairey, § 19. No Exemption allowed for Road Materials, Manure, Agricultural Produce, &c., unless drawn in Carriages with Wheels of the Breadth of Four and a Half Inches, § 20. Road Materials to pay Half Toll during the Winter Months, § 22. Tolls not to be applied in Repair of Roads where there is no Toll Gate, § 25; nor in repairing Streets, &c., § 26.]*

Cap. xxxii.

An Act for repairing and maintaining the Road from *Leeds*, through *Harewood*, to the South-west Corner of the Inclosures of *Harrogate* in the West Riding of the County of *York.* (a)

[14th June 1839.]

[25 *G. 2. c. 58. 29 G. 2. c. 71. 17 G. 3. c. 78. 36 G. 3. c. 138. and 59 G. 3. c. xcii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 9. Three full Tolls only to be taken on same Day for passing through all the Gates on the Road, § 13. No Exemption allowed for Manure unless drawn in Carriages having Wheels of Four Inches and a Half in Breadth, § 14. Tolls not to be expended in repairing Streets, &c., § 17.]*

Cap. xxxiii.

An Act for repairing the Road from *Dover* in the County of *Kent*, through *Deal*, to *Sandwich* in the said County. (a)
[14th June 1839.]

[37 G. 3. c. 156. and 58 G. 3. c. xxvi. repealed, § 1. One Toll only to be paid for passing and repassing through same Gate on same Day, § 9. Toll to be paid at Two Gates only between *Dover* and *Deal*, or between *Deal* and *Sandwich*, § 15. Tolls not to be laid out in repairing Streets, &c., § 17.]

Cap. xxxiv.

An Act to enable the General Commissioners for Drainage by the River *Witham* in the County of *Lincoln* to sue and be sued in the Name or Names of any One of the said Commissioners or of their Clerk or Clerks for the Time being. [14th June 1839.]

Cap. xxxv.

An Act for making and maintaining certain Reservoirs in the Township of *Rishworth* in the Parish of *Halifax* in the West Riding of the County of *York*. [14th June 1839.]

Cap. xxxvi.

An Act for more effectually repairing, improving, and maintaining the Harbour of *Eyemouth* in the County of *Berwick*. [14th June 1839.]

[37 G. 3. c. 49. repealed, § 1. Ships in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, exempted from Toll, § 27.]

Cap. xxxvii.

An Act for granting further Powers to the Company of Proprietors of the *Parrett* Navigation. [14th June 1839.]

[Powers of 6 & 7 W. 4. c. ci. (except as altered) extended to this Act, § 1.]

Cap. xxxviii.

An Act for better lighting with Gas the Town of *Brighton*, and the several Places therein mentioned, in the County of *Sussex*. [14th June 1839.]

[Saving the Rights of Commissioners of Paving, &c., § 106.]

Cap. xxxix.

An Act to enable the *London and Birmingham* Railway Company to raise a further Sum of Money. [14th June 1839.]

[Powers of 3 W. 4. c. xxxvi. 6 W. 4. c. lvi. and 1 Vict. c. lxiv. (except as altered) extended to this Act, § 1.]

Cap. xl.

An Act for amending and enlarging the Provisions of the several Acts relating to the Great North of England Railway Company, and for other Purposes relating thereto. [14th June 1839.]
 [Powers of 6 & 7 W. 4. c. cv. and 7 W. 4. & 1 Vict. c. cii. (except as altered) extended to this Act, § 1.]

Cap. xli.

An Act for enabling the Liverpool and Manchester Railway Company to extend the Line of the said Railway, and for amending and enlarging the Powers and Provisions of the several Acts relating to such Railway. [14th June 1839.]
 [Powers of 7 G. 4. c. xlix. 9 G. 4. c. vii. 10 G. 4. c. xxxv. 2 & 3 W. 4. c. xlvi. 7 & 8 G. 4. c. xxi. 1 W. 4. c. li. and 7 W. 4. & 1 Vict. c. xxvii. (except as altered) extended to this Act, § 1. Saving the Rights of the Manchester, Bolton, and Bury Railway Company, § 78; and of the Commissioners of Manchester Police, and Directors of the Manchester Gas Works, § 80.]

Cap. xlii.

An Act to amend the Acts relating to the South-eastern Railway. [14th June 1839.]
 [Powers of 6 & 7 W. 4. c. lxxv. and 7 W. 4. & 1 Vict. c. xciii. (except as altered) extended to this Act, § 1.]

Cap. xliii.

An Act for more effectually paving the Streets of the City of Perth; for the better lighting, watching, and cleansing the said City and Suburbs thereof; for maintaining and regulating the Police of the same, and for other Purposes relating thereto. [14th June 1839.]
 [51 G. 3. c. xxxiv. and 59 G. 3. c. lxxii. repealed, § 1.]

Cap. xliv.

An Act for establishing an effective Police in Places within or adjoining to the District called the Staffordshire Potteries, and for improving and cleansing the same, and better lighting Parts thereof. [14th June 1839.]
 [Saving the Rights of Lords of Manors, § 118.]

Cap. xlv.

An Act for repairing several Roads leading to the Towns of Basingstoke, Odiham, and Alton, in the County of Southampton, and for making several Deviations in the Line of the said Roads. (a) [14th June 1839.]
 [33 G. 3. c. 182. 55 G. 3. c. xv. and 59 G. 3. c. vii. repealed, § 1. One Toll only to be taken for passing and repassing through same Gate on same Day, § 18. Five full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, § 19. One Half Toll to be paid for Chalk (except for Manure), unless drawn in Carts, &c. with Wheels of the Breadth

Breadth of Six Inches or more, and drawn by a limited Number of Horses, &c., § 20. Horses, &c. returning with a different Carriage to be again liable to Toll, § 23. Tolls not to be laid out in repairing Streets, § 29. No more Money to be laid out in repairing Roads than is collected thereon, § 30.]

Cap. xlv.

An Act to amend an Act passed in the Sixth Year of His late Majesty King *William* the Fourth, for making a Turnpike Road from *Saint Leonard's* and *Saint Mary Magdalen* to the *Royal Oak Inn* at *Whallington*, and through *Sedlescomb* to *Cripp's Corner* in the Parish of *Ewhurst*, in the County of *Sussex*.

[1st July 1839.]

[*Powers of 6 & 7 W. 4. c. xix. (except as altered) extended to this Act, § 1. Act to commence from its passing, and continue in force for the Term granted by recited Act, § 5.]*

Cap. xlvii.

An Act for more effectually repairing and improving the Road from *Edenfield Chapel* to *Little Bolton*, and certain Branch Roads connected therewith, all in the County Palatine of *Lancaster*.

[1st July 1839.]

[11 G. 4. & 1 W. 4. c. xxxi. repealed, § 1. *No Exemption allowed for Materials for Roads or Bridges, if drawn in Carriages having Wheels of less Breadth than Four and a Half Inches, § 8; or if intended to be used on Roads in distant Townships, § 9. No Exemption allowed during the Winter Months, § 10. Two Tolls to be taken on the Branch Road from the Bull's Head to Croston Brow, so long as any Money remains due for that Road, § 12. Tolls to be paid but once a Day at same Gate, § 13. Three full Tolls only to be taken on same Day on the Road leading from Edenfield Chapel to Little Bolton, and One full Toll only on the Road leading from Booth Pits to or near Bury Bridge, and Two only on the Road leading from the Bull's Head to Croston Brow, § 14. Tolls not to be laid out in repairing Streets, § 25. Act to take effect on the Third Friday after passing, and continue in force for Twenty-one Years, § 27.]*

Cap. xlviii.

An Act for building a Bridge over the River *Leven* in the County of *Fife*, and otherwise improving the Road from *Boreland Loan* to *Sconie Bridge*. (b)

[1st July 1839.]

[10 G. 4. c. lxxxiv. in part repealed, § 1. *Powers of 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 2. Two Fifth Parts only of Toll to be paid for broad-wheel Waggon of a certain Description, § 12. Double Toll to be paid for Wheels not having a flat Surface, § 13. Occupiers of Farms on both Sides of the River exempted from Toll, § 17.]*

Cap. xlix.

An Act for making and repairing several Roads leading to and from the Town of *Southmolton* in the County of *Devon*. (a)

[1st July 1839.]

[32 G. 2. c. 45. 19 G. 3. c. 81. 42 G. 3. c. i. and 54 G. 3. c. xxi. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 20. Two full Tolls only to be taken on same Day on the Roads from *Southmolton* to *Kerscott Hill*, and Two only from *Southmolton* towards *Tiverton* vid *Witheridge*, and Two only from *Southmolton* to *Drayford Bridge*, and from *Southmolton* to *Chulmleigh* and *Labland Cross*, and from *Southmolton* to *Newham Bridge*, and from *Southmolton* to *Crusey House*, and from *Southmolton* to *Mockham Gate*, § 21. No Second Toll to be collected within Four Miles, § 22. Tolls not to be laid out in repairing Streets, § 27. No Money to be laid out on Roads unless Tolls collected thereon, § 28.]

Cap. l.

An Act for more effectually maintaining and repairing the Road leading from the West Side of the Entry to the New or *Jamaica Street* Bridge of *Glasgow*, by or near *Parkhouse*, to the East End of the Bridge at *Renfrew*.

[1st July 1839.]

[34 G. 3. c. 140. in part repealed, 37 G. 3. c. 161. and 58 G. 3. c. xxvii. wholly repealed, § 1. Powers of 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 4. Saving the Rights of the *Glasgow*, *Paisley*, *Kilmarnock*, and *Ayr*, and *Glasgow*, *Paisley*, and *Greenock Railway Companies*, § 11. Act to commence from the passing, and to continue in force for 21 Years, § 14.]

Cap. li.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railway or Railways from the City of Edinburgh* to *Leith*, and to the *Shore of the Frith of Forth* at or near to *Newhaven* and *Trinity*, all in the County of *Edinburgh*; and to alter and vary the Lines and Levels of the Railways thereby authorized to be made; and for other Purposes relating to the said Undertaking.

[1st July 1839.]

[Powers of 6 & 7 W. 4. c. cxxxi. (except as altered) extended to this Act, § 10.]

Cap. liii.

An Act for dissolving the *Croydon*, *Merstham*, and *Godstone* Iron Railway Company.

[1st July 1839.]

Cap. liiii.

An Act to alter the Line of the North Midland Railway, and to amend the Acts relating thereto.

[1st July 1839.]

[Powers of 6 & 7 W. 4. c. cviii. and 7 W. 4. & 1 Vict. c. xxiii. (except as altered) extended to this Act, § 1. Saving the Rights of the Owners of *Middleton Colliery*, § 16; and of the Undertakers of the Navigation of the Rivers *Aire* and *Calder*, § 49.]

Cap. liv.

An Act to amend the several Acts relating to the *Preston and Wyre Railway and Harbour Company* and the *Preston and Wyre Dock Company*, and to consolidate the said Companies.

[1st July 1839.]

[*Powers of 5 & 6 W. 4. c. lviii. 7 W. 4. & 1 Vict. cc. xxviii. xxix. and 2 & 3 Vict. c. i. (except as altered) extended to this Act, § 1.*]

Cap. lv.

An Act for extending and for altering the Line of the *Manchester and Leeds Railway*, and for making Branches therefrom; and for amending the Acts relating thereto.

[1st July 1839.]

[*Powers of 6 & 7 W. 4. c. cxi. and 7 W. 4. & 1 Vict. c. xxiv. (except as altered) extended to this Act, § 1. Saving the Rights of the Calder and Hebble Navigation Company, § 73; and of the Halifax Gas Light and Coke Company, § 78; and of Mr. Sutcliff, § 82; and of the Rev. J. A. Rhodes, § 83; and of the Owners of the Todmorden Hall Estate, § 84; and of Owners of Land and Undertakers of the Aire and Calder Navigation, §§ 90. 92.*]

Cap. lvi.

An Act for altering and extending the Line of the *Bristol and Gloucestershire Railway*, and for amending the Acts relating thereto.

[1st July 1839.]

[*Powers of 9 G. 4. c. xciii. and 4 & 5 W. 4. c. ii. (except as altered) extended to this Act, § 1. Saving the Rights of the Cheltenham and Great Western Union Railway Company, § 59.*]

Cap. lvii.

An Act for enabling the *Slamannan Railway Company* to raise a further Sum of Money.

[1st July 1839.]

[*Powers of 5 & 6 W. 4. c. lv. (except as altered) extended to this Act, § 1.*]

Cap. lviii.

An Act to enable the *Wishaw and Coltness Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.

[1st July 1839.]

[*Powers of 10 G. 4. c. cvii. 4 & 5 W. 4. c. xli. and 7 W. 4. & 1 Vict. c. c. (except as altered) extended to this Act, § 1.*]

Cap. lix.

An Act to enable the *Ballochney Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.

[1st July 1839.]

[*Powers of 7 G. 4. c. xlvi. and 5 & 6 W. 4. c. xcvi. (except as altered) extended to this Act, § 1.*]

Cap. lx.

An Act for making Wet Docks and other Works at and near to *Jarrow Slake* within the Port of *Newcastle upon Tyne*, and in the County of *Durham*, to be called "The *Tyne Docks*."

[1st July 1839.]

[*Saving the Rights of the Dean and Chapter*, §§ 27—30. *Vessels in Ballast or without Cargo, and going out of Dock within Four Weeks, or laden with Coals, Culm, or Cinders only, exempted from Tonnage Rate*, § 128. *Saving the Rights of Her Majesty, and the Corporation of Newcastle as Conservators of the River Tyne*, § 161.]

Cap. lxi.

An Act for enabling the Company of Proprietors of the *Birmingham Canal Navigations* to make a new Cut; and for extending and altering some of the Provisions of their present Act.

[1st July 1839.]

[*Powers of 5 & 6 W. 4. c. xxxiv. (except as altered) extended to this Act*, § 1. *Saving the Rights of the Grand Junction Railway Company*, § 30; and of the *Birmingham Waterworks Company*, § 33.]

Cap. lxii.

An Act to repeal so much of an Act passed in the Twelfth Year of the Reign of His Majesty King *George the First*, for repairing the Walls, Gates, and other public Works in the City of *Norwich*, and several Bridges in and near the said City, and for amending the Roads therein mentioned, as relates to the Application of the Tolls and Duties thereby authorized to be raised; and to provide a new Mode of Application thereof.

[1st July 1839.]

[*So much of 12 G. 1. c. 15. as relates to the Application of Tolls repealed*, § 1. 1 & 2 *Vict. c. lxxxi. in part repealed*, § 18.]

Cap. lxiii.

An Act for paving, lighting, watching, and improving the Town of *Bradford* in the County of *Wilts*.

[1st July 1839.]

[*Money arising from Turnpikes not to be laid out in repairing Streets*, § 20. *Saving the Rights of the Lord of the Manor*, § 108.]

Cap. lxiv.

An Act for erecting, establishing, and maintaining a new Market in the City of *Aberdeen*, and for providing suitable Approaches thereto.

[1st July 1839.]

[*Saving the Rights of the Magistrates and Town Council, and Commissioners of Police*, §§ 102, 122, 123.]

Cap. lxv.

An Act for further improving and maintaining the Harbour of the Burgh of Regality of *Fraserburgh* in the County of *Aberdeen*.

[1st July 1839.]

[58 G. 3. c. xxv. repealed, § 1. *Vessels in Her Majesty's Service, or in the Employ of the Customs, Excise, Ordnance, and Post Office, exempted from Rates, § 56.*]

Cap. lxvi.

An Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*.

[4th July 1839.]

[*Saving the Rights of the Nottingham Canal Company, § 8; and of the Proprietors of the Nottingham Old Waterworks Company, § 10; and of the Midland Counties Railway Company, § 12; and of the Trustees of the Nottingham Flood Road, § 20.*]

Cap. lxvii.

An Act for building a new Gaol for the Liberty or Soke of *Peterborough* and Hundred of *Nassaburgh* in the County of *Northampton*, and for other Purposes connected therewith.

[4th July 1839.]

[*Saving the Rights of the Lord of the Hundred and of the Bailiff of Peterborough, § 70.*]

Cap. lxviii.

An Act for amending and enlarging the Powers of Acts for establishing a floating Bridge over the River *Itchen* near the Town of *Southampton*.

[4th July 1839.]

[*Powers of 4 & 5 W. 4. c. lxxxv. and 5 & 6 W. 4. c. lxxi. (except as altered) extended to this Act, § 1. Tolls to be paid but once a Day, § 24. Saving the Rights of the Southampton Dock Company, § 31.*]

Cap. lxix.

An Act to enable the *Manchester and Birmingham* Railway Company to vary and extend the Line of their Railway; and to amend the Act relating thereto.

[4th July 1839.]

[*Powers of 7 W. 4. & 1 Vict. c. lxix. (except as altered) extended to this Act, § 1. Saving the Rights of the Ashton Canal Company, § 3; and of the Commissioners of the Manchester Police, and Directors of the Manchester Gas Works, § 86.; and of the Manchester and Salford Waterworks Company, § 102.*]

Cap. lxx.

An Act to enable the *Monkland and Kirkintilloch* Railway Company to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking.

[4th July 1839.]

[*Powers of 5 G. 4. c. xlix. and 3 & 4 W. 4. c. cxiv. (except as altered) extended to this Act, § 1.*]

Cap. lxxi.

An Act for incorporating certain Persons for the making and maintaining a Railway from the Township of *Crook* and *Billy Row* to the *Byers Green* Branch of the *Clarence* Railway in the Parish of *Saint Andrew Auckland*, all in the County of *Durham*, to be called "The *West Durham* Railway." [4th July 1839.]

Cap. lxxii.

An Act for enlarging the Town Quay of the Borough of *Portsmouth*, and for improving that Portion of the Harbour of *Portsmouth* called *The Camber*. [4th July 1839.]

[*Vessels in Her Majesty's Service or in the Employ of Public Boards, Vessels and Goods seized by Revenue Officers, or Goods, &c. shipped or landed for the Public Service, Mails, Officers and Soldiers, their Arms and Baggage, Goods, &c. exempted from Toll or Wharfage Dues to the Corporation by an Act of the last Session of Parliament; Pilot Boats and Fishing Vessels, Ships in Distress, and Passengers Luggage, exempted from Rates, § 68. Saving the Rights of the Portsmouth Floating Bridge Company, § 107; and of the Admiralty and Board of Ordnance, § 109.*]

Cap. lxxiii.

An Act for the Improvement of the Navigation of the River *Moy* in the Counties of *Mayo* and *Sligo* in *Ireland*.

[4th July 1839.]

[*Vessels in Her Majesty's Service, and in the Employ of Public Boards, exempted from Toll, § 76.*]

Cap. lxxiv.

An Act to enable the *Newport Dock* Company to raise a further Sum of Money.

[19th July 1839.]

[*Powers of 5 & 6 W. 4. c. lxxv. (except as altered) extended to this Act, § 1.*]

Cap. lxxv.

An Act to alter and amend the Powers and Provisions of an Act of the Fifth Year of the Reign of His Majesty King *William* the Fourth, for making and maintaining a Pier and other Works at *Deptford* in the County of *Kent*. [19th July 1839.]

[*Powers of 5 & 6 W. 4. c. xiii. (except as altered) extended to this Act, § 1. Saving the Rights of the Commissioners of Paving, § 25; and of the Kent Waterworks Company, § 26.*]

Cap. lxxvi.

An Act to alter and amend the Powers and Provisions of an Act for making a Railway from the *London* and *Greenwich* Railway to the *Deptford* Pier, to be called "The *Deptford* Pier Junction Railway." [19th July 1839.]

[*Powers of 6 & 7 W. 4. c. lxiii. (except as altered) extended to this Act, § 1. Saving the Rights of Commissioners of Paving of St. Nicholas Deptford, § 14.*]

Cap. lxxvii.

An Act to amend and extend the Powers of the Northern and Eastern Railway Act. [19th July 1839.]

[*Powers of 6 & 7 W. 4. c. ciii. (except as altered) extended to this Act, § 1.*]

Cap. lxxviii.

An Act to enable the Northern and Eastern Railway Company to alter the Line of their Railway by forming a Junction with the Eastern Counties Railway; and to provide a Station and other Works at *Shoreditch*; and to amend the Act relating to the Northern and Eastern Railway. [19th July 1839.]

[*Powers of 6 & 7 W. 4. c. ciii. (except as altered) extended to this Act, § 1. Saving the Rights of the Eastern Counties Railway Company, § 58; and of the East London Waterworks Company, § 62; and of the Parishes under the Metropolis Police Act, § 73; and of the Commissioners of Sewers for Holborn and Finsbury Division, the Parish of St. Leonard Shoreditch, and the Liberty of Norton Falgate, § 82.*]

Cap. lxxix.

An Act to alter and divert the Line of the South-eastern Railway from a Point thereon in the Parish of *Chiddingstone* in the County of *Kent* so as to join the *London and Brighton* Railway at or near *Redstone Hill* in the Parish of *Reigate* in the County of *Surrey*. [19th July 1839.]

[*Powers of 6 & 7 W. 4. c. lxxv. and 7 W. 4. & 1 Vict. c. xciii. cxix. (except as altered) extended to this Act, § 1.*]

Cap. lxxx.

An Act for better lighting with Gas the Village of *Over Darwen* in the County Palatine of *Lancaster*. [19th July 1839.]

Cap. lxxxi.

An Act for maintaining and regulating the Market in the Parish of *Sidmouth* in the County of *Devon*. [19th July 1839.]

[*Saving the Rights of the Lord of the Manor of Sidmouth, § 31.*]

Cap. lxxxii.

An Act for extending and enlarging an Act passed in the Seventh Year of the Reign of His late Majesty King] *William* the Fourth, for making and maintaining a Turnpike Road from *Anniesland* Toll Bar in the County of *Lanark*; and for making and maintaining another Branch Road, to be called *Saint George's Road*, in connexion with the said Road. [19th July 1839.]

[*Powers of 6 & 7 W. 4. c. cxxxviii. and 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 1. Payment of Toll at one Gate to clear all the others on the Road, § 8. Act to commence from its passing, and continue in force during the Term of the first-recited Act, § 14.*]

Cap. lxxxiii.

An Act for forming and establishing "The *London Patent White Lead Company*;" and to enable the said Company to purchase certain Letters Patent. [19th July 1839.]

Cap. lxxxiv.

An Act for forming and regulating a Company to be called "The *General Filtration and Dye Extract Company*;" and to enable the said Company to purchase certain Letters Patent. [19th July 1839.]

Cap. lxxxv.

An Act for the more easy and speedy Recovery of Small Debts and Damages within the Honour of *Pontefract*, Parcel of Her Majesty's Duchy of *Lancaster*, in the West Riding of the County of *York*; and for altering the Practice and extending the Jurisdiction of the Court Baron of the said Honour. [29th July 1839.]

Cap. lxxxvi.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Aberford* and other Places in the West Riding of the County of *York*. [29th July 1839.]

Cap. lxxxvii.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rotherham* and other Places in the West Riding of the County of *York*. [29th July 1839.]

Cap. lxxxviii.

An Act for the more easy and speedy Recovery of Small Debts within the Town and Manor of *Glossop* and other Places in the Parish of *Glossop* in the County of *Derby*. [29th July 1839.]

Cap. lxxxix.

An Act for the more easy and speedy Recovery of Small Debts within the Town or Borough of *Grantham* in the County of *Lincoln*, and other Places in the Counties of *Lincoln* and *Leicester*. [29th July 1839.]

Cap. xc.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Rochdale* and other Places in the County Palatine of *Lancaster*. [29th July 1839.]

Cap. xci.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Warrington*, and several other Places adjacent thereto, in the Counties of *Lancaster* and *Chester*. [29th July 1839.]

Cap. xcii.

An Act for altering, amending, consolidating, and enlarging the Provisions of certain Acts relating to the Regulation of Buildings in the Borough of *Liverpool*. [29th July 1839.]

[6 G. 4. c. lxxv. 5 & 6 W. 4. c. liv. and 7 W. 4. & 1 Vict. c. xcvi. in part repealed, § 1. *Saving the Rights of the Liverpool Waterworks and Gas Light Companies, § 75.; and of the Devises of the late Duke of Bridgewater, § 76.*]

Cap. xciii.

An Act for forming and regulating a Company to be called "The Ship Propeller Company;" and to enable the said Company to purchase certain Letters Patent. [29th July 1839.]

Cap. xciv.

An Act for regulating the Police in the City of *London*.

[17th August 1839.]

WHEREAS an Act was passed in the Tenth Year of the Reign of King *George the Second*, intituled *An Act for the better regulating the Nightly Watch and Bedels within the City of London and Liberties thereof; and for making more effectual the Laus now in being for paving and cleansing the Streets and Sewers in and about the said City*, whereby certain Rates are imposed for the Purposes of the said Act: And whereas a more efficient System of Police has been established within the said City; and the Liberties thereof by Day and Night instead of such Nightly Watch, and in order to render the same still more effective it is expedient that the said Act should be repealed, and that other Provisions should be made in lieu thereof: And whereas the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, are willing and desirous to contribute out of the Revenues and Possessions of the Mayor and Commonalty and Citizens of the said City a Portion of the Expence of the said Police Force: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *December* next after the passing of this Act the said Act of the Tenth Year of the Reign of King *George the Second*, or such Part thereof as is now in force, shall be and the same is hereby repealed.

10 G. 2. c. 22.

Recited Act repealed.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "House" shall be used the same shall be understood to include any Shop, Wharf, Warehouse, Counting-house, Office, Cellar, Vault, Land, or other Tenement or Hereditament; and where the Word "Rate" shall be used the same shall be understood to mean Rate or Assessment; and where the Word "Owner" shall be used the same shall be understood to include Landlords, Lessees, and other Proprietors;

Rules for the Interpretation of this Act.

and where the Word "Justice" shall be used the same shall be understood to mean the Lord Mayor or any Alderman or the Recorder of the said City; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Commissioner
of Police Force
to be appointed
by the Com-
mon Council.

III. And be it further enacted, That the said Mayor, Aldermen, and Commons, in Common Council assembled, shall and they are hereby authorized and required to appoint a fit Person, subject to the Approval of Her Majesty, to be signified by One of Her Majesty's Principal Secretaries of State, as Commissioner of the Police Force of the City of *London* and the Liberties thereof, with such annual Salary, not less than Eight hundred Pounds, as they shall from Time to Time think proper; and Her Majesty, or the Court of Mayor and Aldermen, may remove the said Commissioner, if She or they shall see Occasion so to do, for Misconduct or other reasonable Cause; and the said Mayor, Aldermen, and Commons, in Common Council assembled, may, upon any Vacancy in the said Office by Death, Removal, or otherwise, appoint another fit Person, subject to the Approval of Her Majesty as aforesaid, as Commissioner of the said Police Force in lieu of the Person making such Vacancy: Provided always, that no Person who shall have been dismissed from the Office of Commissioner of the City Police, or whose Appointment as such Commissioner shall have been once disapproved by Her Majesty, shall be again put in Nomination for the said Office.

Proposal of
Candidates by
Aldermen, &c.

IV. And be it further enacted, That on every Occasion of Appointment to the Office of Commissioner of the City Police it shall be lawful for every Alderman or Common Councilman who shall be desirous of proposing any Person for the said Office to lodge with the Town Clerk the Name and Place of Abode of the Candidate whom he will propose, with such Testimonials as to his Qualifications for the Office as the Proposer shall think fit; and all such Statements shall be printed and circulated among the Members of the Common Council, and a printed Copy thereof shall be sent to the Secretary of State Fourteen Days at least before the Day on which the said Mayor, Aldermen, and Commons, in Common Council assembled, shall finally determine on the Person whom they will elect for the said Office.

List of Can-
didates to be
circulated.

Commissioner
to be sworn.

V. And be it further enacted, That every Person to be appointed a Commissioner of the City Police shall, before he shall begin to execute the Duties of his Office, take the following Oath before some Justice or Baron of one of Her Majesty's Courts of Record at *Westminster*; (that is to say,)

Oath.

' I *A.B.* do swear, That I will faithfully, impartially, and honestly,
' according to the best of my Skill and Knowledge, execute all
' the Powers and Duties of Commissioner of the City Police under
' and by virtue of an Act passed in the Third Year of the Reign
' of Queen *Victoria*, intituled [*here insert the Title of this Act*].

Commissioner
may be ap-
pointed a Jus-
tice on the
Petition of the
Court of Alder-
men and Court

VI. And be it further enacted, That in case the said Commissioner shall not be a Justice of the said City, it shall be lawful for Her Majesty, if She shall be so pleased, on the Petition of the Court of Mayor and Aldermen, and the said Mayor, Aldermen, and Commons, in Common Council assembled, to appoint the said Commissioner to be a Justice of the Peace in and for the said City

and Liberties; but no such Appointment shall authorize the said Commissioner to act as a Justice of the Peace at any Court of General or Quarter Sessions, or in any Manner out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detection and Committal of Offenders, and in carrying into execution the Purposes of this Act; and in case the Commissioner shall be appointed a Justice of the Peace as aforesaid he shall take all the Oaths usually taken by a Justice of the Peace: Provided always, that whenever any such Commissioner shall resign or be removed from his Office of Commissioner of Police he shall cease to be a Justice of the said City and Liberties as aforesaid.

VII. And be it further enacted, That the said Commissioner, during his Continuance as Commissioner, shall be incapable of being elected or sitting as a Member of the House of Commons, and shall not be engaged in the carrying on or Practice of any other Business or Profession, and shall be exempt from being returned and from serving on any Juries or Inquests whatsoever, and shall not be inserted in any Lists of Men qualified and liable to serve on Juries.

VIII. And be it further enacted, That no Commissioner or Person belonging to the Police Force appointed by virtue of this Act shall, during the Time that he shall continue in any such Office, or within Six Calendar Months after he shall have quitted the same, be capable of giving his Vote for the Election of a Member to serve in Parliament for the City of *London*, or for the County of *Middlesex*, *Surrey*, *Hertford*, *Essex*, or *Kent*, or for any City or Borough within the Metropolitan Police District, nor shall, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for the said City of *London*, or for any such County, City, or Borough; and if any such Commissioner or Person belonging to the Police Force shall offend therein he shall forfeit the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Calendar Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Chamberlain of the said City, to be by him added to and applied as Part of the Fund for the Purposes of this Act: Provided always, that nothing in this Enactment contained shall subject any such Commissioner or Person belonging to the Police Force to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

IX. And be it further enacted, That such sufficient Number of fit and able Men as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall from Time to Time direct, shall be appointed from Time to Time by the said Commissioner to be a Police Force for the City of *London* and the Liberties thereof; and the Men so to be appointed shall be sworn in as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men sworn and to be sworn as aforesaid shall, within the said City and the Liberties thereof, have all such Powers, Authorities, Privileges,

of Common Council.

Commissioner not to sit in Parliament, or be engaged in Business, or serve on Juries.

Commissioner and Members of the Police Force not to vote in the Election of Members of Parliament for the City of London or adjoining Counties, or within the Metropolitan Police District.

Police for the City of London and Liberties to be sworn in as Constables.

privileges, and Advantages, and be liable to all such Duties and Responsibilities, Pains and Penalties, as any Constable duly appointed now has or hereafter may have within his Constableness by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from the said Commissioner for conducting themselves in the Execution of their Office.

Not to disqualify from receiving Half Pay.

X. And be it further enacted, That no Office or Employment in the City Police shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might be or become entitled.

Superannuation Fund to be provided by Common Council for Constables.

XI. And be it further enacted, That there shall be deducted from the Pay of every Constable belonging to the City Police Force a Sum after such yearly Rate as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall direct, not being a greater Rate than Two Pounds Ten Shillings in a Hundred Pounds; which Sum so deducted, and also the Money accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from the Fines imposed by any Justice of the said City upon drunken Persons, or for Assaults upon Police Constables, and all Monies arising from the Sale of worn or cast Clothing supplied for the Use of the City Police, shall from Time to Time be invested in Government Stock by and in the Name of the Chamberlain of the said City, and the Interest or Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise vested in such Stock, and accumulate so as to form a Fund, to be called "The City Police Superannuation Fund," and shall be applied from Time to Time for Payment of such superannuation or retiring Allowances or Gratuities as may be ordered by the said Mayor, Aldermen, and Commons, in Common Council assembled, at any Time, to any of the said Constables, as herein-after provided.

Rates of Superannuation Allowance.

XII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, on the Recommendation of the said Commissioner, to order that any of the said Constables may be superannuated, and receive thereupon out of the City Police Superannuation Fund a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; that is to say, if he shall have served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds his Pay: Provided that if he shall be under Sixty Years of Age it shall not be lawful to grant any such Allowance, unless upon the Certificate of the said Commissioner that he is incapable from Infirmary of Mind or Body to discharge the Duties of his Office; provided also, that if any Constable shall be disabled by any Wound or Injury received in the actual Execution of the Duty of his Office it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent him being dismissed without Superannuation Allowance.

XIII. And

XIII. And be it further enacted, That it shall be lawful for the Court of Mayor and Aldermen of the said City to make Allowance for any Wounds or Injuries received, or extraordinary Diligence and Exertion shown, or unusual Expences necessarily incurred, by Police Constables in executing the Orders of the said Commissioner in the Apprehension of Offenders and the Preservation of the Peace, not exceeding in any Case the Amount which shall be recommended by the said Commissioner.

Allowance may be made to Police for extraordinary Expences, &c.

XIV. And be it further enacted, That the said Commissioner may from Time to Time, subject to the Approbation of the said Mayor and Aldermen, or any Three of them, and also of one of Her Majesty's Principal Secretaries of State, frame such Orders and Regulations as he shall deem expedient relative to the general Government of the said Police Force, the Places of their Residence, the Classification, Rank, and particular Service of the several Members, their Distribution and Inspection, the Description of Arms, Accoutrements, and other Necessaries to be furnished to them for the Performance of their Duty, and all such other Orders and Regulations relative to the said Police Force as the said Commissioner shall from Time to Time deem expedient for preventing Neglect or Abuse, and for rendering such Force efficient in the Discharge of all its Duties, and shall from Time to Time send to the Secretary of State, and also to the Lord Mayor of the said City, such Returns of the State of Crime and Conduct of the Police within the said City as the Secretary of State or Lord Mayor shall severally require; and the said Commissioner may at any Time suspend or dismiss from his Employment any Man belonging to the said Police Force whom he shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same, reporting the same from Time to Time to the Lord Mayor; and when any Man shall be so dismissed or cease to belong to the said Police Force, all Powers vested in him as a Constable by virtue of this Act shall immediately cease and determine, and he shall forthwith return to the said Commissioner, or to such Person as he shall appoint to receive the same, the Clothes, Arms, and other Necessaries with which he shall have been furnished; and if any Man shall neglect or refuse so to do, such Man, being convicted thereof before any Justice of the said City, shall be committed to the House of Correction for the said City for any Term not exceeding the Space of One Calendar Month, unless the Clothes, Arms, and other Necessaries shall be sooner returned; and it shall be lawful for any Justice of the Peace to issue his Warrant to search for and seize all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

The Commissioner, subject to the Approbation of the Court of Aldermen and Secretary of State, may make Regulations for the Management of the Police Force.

XV. And be it further enacted, That every Constable who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before any Justice of the said City, shall be liable to a Penalty not more than Ten Pounds, the Amount of which Penalty may be deducted from any Salary then due to such Offender, or, in the Discretion of the Justice, such Offender may be imprisoned, with or without hard Labour, for any Time not more than One Calendar Month.

Penalty on Constables for Neglect of Duty.

XVI. And

Penalty on Persons assuming the Dress, &c. of Constables.

XVI. And be it enacted, That every Person, not being a Constable of the City Police, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable to a Penalty not more than Ten Pounds.

Constables not to resign without Leave or Notice.

XVII. And be it further enacted, That no Constable belonging to the City Police Force shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Superintendent under whom he may be placed, or unless he shall give to such Superintendent One Calendar Month's Notice of his Intention; and every Constable who shall so resign or withdraw himself without such Leave or Notice shall be liable to forfeit all Arrears of Pay due to him, or to a Penalty not more than Five Pounds. §

Powers of the Police.

XVIII. And be it further enacted, That it shall be lawful for any Man belonging to the said Police Force to take into Custody without Warrant all loose, idle, and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have good Cause to suspect of having committed or intending to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom he shall find between Sunset and the Hour of Eight in the Forenoon lying in any Highway, Yard, or other Place, or loitering therein, and not giving a satisfactory Account of themselves.

Assaults on Policemen.

XIX. And be it further enacted, That if any Person shall assault or resist any Man belonging to the said Police Force in the Execution of his Duty, or shall aid or excite any Person so to assault or resist such Man belonging to the said Police Force, every such Offender, being convicted thereof before any Justice of the said City, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the said Justice shall think meet, or, in the Discretion of the Justice before whom he shall be convicted, may be imprisoned for any Term not exceeding the Space of One Calendar Month.

Penalty.

Commissioner of Police may regulate the Route and Conduct of Persons driving Stage Carriages, Cattle, &c. during the Hours of Divine Service.

XX. And be it further enacted, That, on the Application of the Minister or Churchwardens of any Church, Chapel, or other Place of public Worship within the said City and Liberties, to the Commissioner of the City Police, it shall be lawful for the said Commissioner, with the Consent of the Court of Mayor and Aldermen, to make Orders for regulating the Route and Conduct of Persons who shall drive any Stage Carriage, Cart, Cattle, Sheep, Pigs, or other Animals within such Parish or Place during the Hours of Divine Service on *Sunday, Christmas Day, Good Friday*, or any Day appointed for a Public Fast or Thanksgiving; and any Orders which shall be so made shall be printed and affixed on or near the Church, Chapel, or Place of public Worship to which the same shall refer, and in some conspicuous Places leading and contiguous thereto,

thereto, and elsewhere, as the Commissioner shall direct; and every Breach of every such Order shall be deemed a separate Offence.

XXI. And be it further enacted, That no Proprietor of any Stage Carriage duly licensed to carry Passengers for Hire shall be liable to any Penalty for any Deviation from the Route specified in his Licence which the Driver of such Stage Carriage shall make by virtue of any Regulation or Direction made or given as hereinbefore mentioned.

Proprietors of Stages not liable to Penalties for so deviating.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner, with the Consent of the Court of Mayor and Aldermen, from Time to Time and as Occasion shall require, to make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstruction of the Streets and Thoroughfares within the City and Liberties, in all Times of public Processions, public Rejoicings, or Illuminations, and also to give Directions to the Constables for keeping Order and for preventing any Obstruction of the Thoroughfares in the immediate Neighbourhood of the Mansion House and Guildhall of the said City, the Royal Exchange, the Bank of *England*, the General Post Office, and other Places of public Resort within the said City and Liberties, and in any Case when the Streets or Thoroughfares within the said City and Liberties may be thronged or may be liable to be obstructed.

Regulations for preventing Obstructions in the Streets during public Processions.

XXIII. And be it further enacted, That every Warrant issued by a Justice of the said City of *London* shall be a sufficient Authority to all the Persons to whom the same shall be directed to execute such Warrant in any Liberty, Town, or Place within the Counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, and *Kent*, in like Manner to all Intents and Purposes as if the same had been endorsed by a Justice or Justices of the Peace in and for the County, Riding, Division, City, Liberty, Town, or Place where the same shall be executed; and that every Warrant issued by any Justice of the Peace of any of the said Counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, and *Kent* shall be a sufficient Authority to all the Persons to whom such Warrant shall be directed to execute the same in any Liberty or Place within the said City of *London* or the Liberties thereof, in like Manner to all Intents and Purposes as if the same had been endorsed by a Justice of the said City.

Warrants of the City Justices may be executed within the Home Counties, and Warrants of the County Justices may be executed in the City of *London*.

XXIV. And be it further enacted, That one of Her Majesty's Principal Secretaries of State may, in any Case of special Emergency, at the Request of the Lord Mayor, authorize any Constables belonging to the Police Force appointed or hereafter to be appointed by virtue of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Police in and near the Metropolis*, to act within the City of *London* and the Liberties thereof; and in every such Case the Constables of such Police Force shall be under the Command of their own Officers, and shall have all such Powers, Authorities, Privileges, and Advantages within the said City of *London* and the Liberties thereof, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constableness by virtue of the Common Law of this Realm; and the said Lord Mayor may, at the Request of the Secretary of State, in any Case of special Emergency, authorize any

In case of Emergency the Metropolitan Police may act within the City of *London* under the Authority of the Secretary of State, upon the Requisition of the Lord Mayor, and the City Police may act within the Metropolitan District.

any Constables to be appointed under this Act to act within the Metropolitan Police District under the Command of their own Officers; and in every such Case such Constables shall have the same Powers, Authorities, Privileges, and Advantages as if they had been appointed under the said Act passed in the Tenth Year of the Reign of King *George* the Fourth.

In case of Absence of the Commissioner, the Officer next in Authority to act.

XXV. And be it further enacted, That in case of the Absence of the said Commissioner from Illness or from any other Cause, it shall be lawful for the Officer of the said Police Force next in Authority to execute all the Duties of such Commissioner during such Period of Time as shall be appointed for that Purpose by the said Lord Mayor, and sanctioned by one of Her Majesty's Principal Secretaries of State; and such Officer shall during such Time exercise all the Authorities and Powers vested by this Act in the said Commissioner.

Public Houses to be shut on the Mornings of Sundays, &c.

XXVI. And be it further enacted, That no Licensed Victualler or other Person shall open his House for the Sale of Wine, Spirits, Beer, or other fermented Articles on a *Sunday, Christmas Day, or Good Friday*, before the Hour of One in the Afternoon, except for Refreshment for Travellers.

Publicans prohibited from supplying Liquors to Persons under 16 Years of Age.

XXVII. And be it further enacted, That every Person licensed to deal in exciseable Liquors who shall knowingly supply any Sort of distilled exciseable Liquor to any Boy or Girl apparently under the Age of Sixteen Years, to be drunk upon the Premises, shall be liable to a Penalty not more than Twenty Shillings, and upon Conviction of a Second Offence shall be liable to a Penalty not more than Forty Shillings, and upon Conviction of a Third Offence shall be liable to a Penalty not more than Five Pounds.

Regulation of Coffee-houses, Cook-shops, &c.

XXVIII. ' And whereas it is expedient that the Provisions made ' by Law for preventing disorderly Conduct in the Houses of ' Licensed Victuallers be extended to other Houses of public ' Resort; ' be it further enacted, That every Person who shall have or keep any House, Shop, Room, or Place of public Resort within the City of *London* and the Liberties thereof, wherein Provisions, Liquors, or Refreshments of any Kind shall be sold or consumed, (whether the same shall be kept or retailed therein or procured elsewhere,) and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly suffer any unlawful Games or any gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, shall for every such Offence be liable to a Penalty not more than Five Pounds: Provided always, that if the Offender be a Licensed Victualler, or licensed to sell Beer by Retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the Licence to him granted.

Keepers of Cook-shops, &c., permitting internal Communication with Public Houses.

XXIX. And be it further enacted, That every Person who shall make or use, or allow to be made or used, any internal Communication between any House, Shop, Room, or Place of public Resort, not licensed for the Sale of Wine, Spirits, Beer, or other exciseable Articles, and any House, Shop, Room, or Place licensed for the Sale of Wine, Spirits, Beer, or other exciseable Articles, or in which

Wine is sold by a Free Vintner, shall be liable to a Penalty not more than Ten Pounds for every Day that such Communication shall be open.

XXX. And be it further enacted, That it shall be lawful for any Justice or the said Commissioner, by Order in Writing, to authorize any Superintendent belonging to the said Police Force, with such Constables as he may think necessary, to enter into any House or Room kept or used for Stage Plays or Dramatic Entertainments into which Admission is obtained by Payment of Money, and which is not a licensed Theatre, at any Time when the same shall be open for the Reception of Persons resorting thereto, and to take into Custody all Persons who shall be found therein without lawful Excuse; and every Person keeping, using, or knowingly letting any House or other Tenement for the Purpose of being used as an unlicensed Theatre shall be liable to a Penalty not more than Twenty Pounds, or, in the Discretion of any Justice, may be committed to the House of Correction, with or without hard Labour, for a Time not more than Two Calendar Months; and every Person performing, or being therein without lawful Excuse, shall be liable to a Penalty not more than Forty Shillings; and a Conviction under this Act for this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, or Tenement from any Penalty or penal Consequence to which he may be liable for keeping a disorderly House, or for the Nuisance thereby occasioned.

Power to enter unlicensed Theatres.

XXXI. And be it further enacted, That every Person who within the City of *London* and the Liberties thereof shall keep or use or act in the Management of any House, Room, Pit, or other Place for the Purpose of fighting or baiting Lions, Bears, Badgers, Cocks, Dogs, or other Animals, shall be liable to a Penalty not more than Five Pounds, or, in the Discretion of any Justice, may be committed to the House of Correction, with or without hard Labour, for a Time not more than One Calendar Month; and it shall be lawful for any Justice or the said Commissioner, by Order in Writing, to authorize any Superintendent belonging to the said Police Force, with such Constables as he shall think necessary, to enter any Premises kept or used for any of the Purposes aforesaid, and take into Custody all Persons who shall be found therein without lawful Excuse; and every Person so found shall be liable to a Penalty not more than Five Shillings; and a Conviction under this Act of this Offence shall not exempt the Owner, Keeper, or Manager of any such House, Room, Pit, or Place from any Penalty or penal Consequence to which he may be liable for the Nuisance thereby occasioned.

Places used for Bear-baiting, Cock-fighting, &c.

XXXII. And be it further enacted, That if any Superintendent belonging to the said Police Force shall report in Writing to any Justice, or to the said Commissioner, that there are good Grounds for believing any House or Room within the City of *London* and the Liberties thereof to be kept or used as a common Gaming House, and if Two or more Householders dwelling within the said District, and not belonging to the said Police Force, shall make Oath in Writing, to be by them taken and subscribed before any Justice, and annexed to the said Report, which Oath every Justice is hereby empowered to administer and receive, that the Premises complained of by the Superintendent are commonly reported and

Any Justice or Commissioner empowered to authorize Superintendent of Police to enter Gaming Houses.

are

are believed by the Deponents to be kept or used as a common Gaming House, it shall be lawful for any Justice or the said Commissioner, by Order in Writing, to authorize the Superintendent to enter any such House or Room, with such Constables as shall be directed by any Justice or the said Commissioner to accompany him, and, if necessary, to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize and destroy all Tables and Instruments of gaming found in such House or Premises, and also to seize all Monies and Securities for Money found therein; and the Owner or Keeper of the said Gaming House, or other Person having the Care or Management thereof, and also every Banker, Croupier, and other Person who shall act in any Manner in conducting the said Gaming House, shall be liable to a Penalty not more than One hundred Pounds, or, in the Discretion of any Justice before whom he shall be convicted of the Offence, may be committed to the House of Correction, with or without hard Labour, for a Time not more than Six Calendar Months; and upon Conviction of any such Offender all the Monies and Securities for Monies which shall have been seized as aforesaid shall be paid to the Chamberlain of the said City for the Time being, to be applied for the general Purposes of this Act; and every Person found in such Premises without lawful Excuse shall be liable to a Penalty not more than Five Pounds: Provided always, that nothing herein contained shall prevent any Proceeding by Indictment against the Owner or Keeper or other Person having the Care or Management of any Gaming House; but no Person shall be proceeded against by Indictment and also under this Act for the same Offence.

Proof of gaming for Money, &c. not necessary in support of Informations.

XXXIII. And be it further enacted, That it shall not be necessary, in support of any Information for gaming in, or suffering any Game or gaming in, or for keeping or using, or being concerned in the Management or Conduct of a common Gaming House, under this Act, to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Penalty on Pawnbrokers receiving Pledges from Persons under Age of 16.

XXXIV. And be it further enacted, That after the passing of this Act every Pawnbroker within the City of *London* and the Liberties thereof, and every Agent or Servant employed by any such Pawnbroker, who shall purchase or receive or take any Goods or Chattels in Pawn or Pledge of or from any Person apparently under the Age of Sixteen Years, shall be liable to a Penalty not more than Five Pounds.

Prohibition of Nuisances by Persons in the Thoroughfares.

XXXV. And be it further enacted, That every Person who, within the City of *London* and the Liberties thereof, shall commit any of the following Offences in any Thoroughfare or other public Place, shall be liable to a Penalty not more than Forty Shillings for every such Offence; (that is to say,)

1. Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show or Sale (except in a Market lawfully appointed for that Purpose) or feed or fodder any Horse or other Animal, or show any Caravan containing any Animal, or any other Show or public Entertainment, or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident), or clean, dress, exercise, train,

- train, or break any Horse or Animal, or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary :
2. Every Person who shall turn loose any Horse or Cattle, or suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal :
 3. Every Person who by Negligence or Ill-usage in driving Cattle shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the Driving, Care, or Management of such Cattle, and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :
 4. Every Person having the Care of any Cart or Carriage who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having and holding the Reins, or who shall be at such a Distance from such Cart or Carriage as not to have the complete Control over every Horse or other Animal drawing the same :
 5. Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare :
 6. Every Person who shall cause any Cart, public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, (except Hackney Carriages standing for Hire in any Place not forbidden by Law,) or who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare :
 7. Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, or fasten any Horse or other Animal, so that it can stand across or upon any Footway :
 8. Every Person who shall draw or drive any Sledge, Truck, or Barrow upon any Footway or Curb-stone, or roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Show-board, or Placard, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :
 9. Every Person who, after being made acquainted with the Regulations or Directions which the Commissioner of Police, with such Consent as aforesaid, shall have made for regulating the Route of Horses, Carts, Carriages, and Persons during the Time of Divine Service, and for preventing Obstructions during public Processions and on other Occasions herein-before specified, shall wilfully disregard or not conform himself thereunto :
 10. Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or

write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden :

11. Every common Prostitute or Night-walker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers :
12. Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers :
13. Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :
14. Every Person (except the Guards and Postmen belonging to Her Majesty's Post Office in the Performance of their Duty) who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :
15. Every Person who shall wantonly discharge any Fire Arm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :
16. Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell or knocking at any Door without lawful Excuse, or who shall wilfully and unlawfully extinguish the Light of any Lamp :
17. Every Person who shall fly any Kite or play at any Game to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow in any Street or other Thoroughfare, to the common Danger of the Passengers :

And it shall be lawful for any Constable belonging to the City Police Force to take into Custody, without Warrant, any Person who shall commit any such Offence within View of any such Constable.

Penalty on
Persons dis-
charging Fire
Arms near to
Dwelling
Houses.

XXXVI. And be it further enacted, That no Person, other than Persons acting in obedience to lawful Authority, shall discharge any Cannon or other Fire Arm of greater Calibre than a common Fowling Piece within Three hundred Yards of any Dwelling House within the City of *London* or the Liberties thereof, to the Annoyance of any Inhabitant thereof, and every Person who, after being warned of the Annoyance by any Inhabitant, shall discharge any such Fire Arm, shall be liable to a Penalty not more than Five Pounds.

XXXVII. And

XXXVII. And be it further enacted, That every Person who shall be found drunk in any Street or public Thoroughfare, and who while drunk shall be guilty of any riotous or indecent Behaviour, and also every Person who shall be guilty of any violent or indecent Behaviour in any Police Station House, shall be liable to a Penalty not more than Forty Shillings for every such Offence, or may be committed, if the Justice before whom he shall be convicted shall think fit, instead of inflicting on him any pecuniary Penalty, to the House of Correction for any Time not more than Seven Days.

Drunkards guilty of indecent Behaviour may be imprisoned.

XXXVIII. And be it further enacted, That every Person who shall ride upon or cause himself to be carried or drawn by any Carriage within the City of *London* and the Liberties thereof, without the Consent of the Owner or Driver of such Carriage, shall be liable to a Penalty not more than Five Shillings; or if a Child apparently under the Age of Twelve Years, it shall be lawful for the Justice to cause such Child to be detained until his Parent or Guardian can attend for the Purpose of having such Child delivered into his Care; and if the Parent or Guardian of such Child shall not attend before the rising of the Court it shall be lawful for the Justice to order such Child to be discharged.

Children, &c. riding behind Carriages.

XXXIX. And be it further enacted, That after the First Day of *January* next every Person who within the City of *London* and the Liberties thereof shall use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow, shall be liable to a Penalty not more than Forty Shillings for the First Offence, and not more than Five Pounds for the Second or any following Offence.

Prohibition of Dog Carts.

XL. And be it further enacted, That it shall be lawful for any Householder within the City of *London* and the Liberties thereof, personally or by his Servant, or by any Police Constable, to require any Street Musician to depart from the Neighbourhood of the House of such Householder on account of the Illness of any Inmate of such House, or for other reasonable Cause; and every Person who shall sound or play upon any Musical Instrument in any Thoroughfare near any House, after being so required to depart, shall be liable to a Penalty not more than Forty Shillings.

Street Musicians to depart, when so required to do.

XLI. And be it further enacted, That every Person who, within the City of *London* and the Liberties thereof, shall be guilty of any of the following Offences, shall be liable to a Penalty not more than Forty Shillings for every such Offence; (that is to say,)

Prohibition of other Nuisances.

1. Every Person who in any Thoroughfare shall burn, dress, or cleanse any Cork, or hoop, cleanse, fire, wash, or scald any Cask or Tub, or hew, saw, bore, or cut any Timber or Stone, or slack, sift, or screen any Lime:
2. Every Person who shall throw or lay in any Thoroughfare any Coals, Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials, or Rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any Mischief happening to Passengers):
3. Every Person who in any Thoroughfare shall beat or shake any Carpet, Rug, or Mat (except Doormats before the Hour of Eight in the Morning), or throw or lay any Dirt,

Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond or Reservoir for Water, or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Thoroughfare, or any uncovered Place, whether or not surrounded by a Wall or Fence; but it shall not be deemed an Offence to lay Sand or other Materials in any Thoroughfare in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease :

4. Every Person who shall empty or begin to empty any Privy or Pigstye between the Hours of Six in the Morning and Twelve at Night, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly stop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, stopped, or spilled; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender: Provided always, that this Enactment shall not be construed to prevent the Commissioners of Sewers of the City of *London* and the Liberties thereof, or any Person acting in their Service or by their Direction, from emptying or removing along any Thoroughfare at any Time the Contents of any Sewer which they are authorized to cleanse or empty :
5. Every Person who shall keep any Pigstye to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance :
6. Every Occupier of a House or other Tenement who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining to the Premises occupied by him; and if any Tenement be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment :
7. Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner or other Person authorized to give such Consent, or upon or so as to hang over any Carriageway or Footway, or on the Outside of any House or Shop, or who shall set up or continue any Poll, Blind, Awning, Line, or any other Projection from any Window, Parapet, or other Part
of

of any House, Shop, or other Building, so as to cause any Annoyance or Obstruction in any Thoroughfare:

8. Every Person who to the Danger of Passengers in any Thoroughfare shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Handrail, or leave defective the Door, Window, or other Covering of any Vault or Cellar, or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto.

XLII. And be it further enacted, That it shall be lawful for any Constable belonging to the said Police Force to destroy any Dog or other Animal reasonably suspected to be in a rabid State, or which has been bitten by any Dog or Animal reasonably suspected to be in a rabid State; and the Owner of any such Dog or Animal who shall permit the same to go at large after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not more than Five Pounds.

Mad Dogs, &c.

XLIII. And be it further enacted, That every Person who, by committing any Offence herein forbidden within the City of *London* and the Liberties thereof, shall have caused any Hurt or Damage to any Person or Property, may be apprehended, with or without any Warrant, by any Constable; and if he shall not upon Demand make Amends for such Hurt or Damage to the Satisfaction of the Person aggrieved, he shall be detained by the Constable in order to be taken before any Justice, and upon Conviction shall pay such a Sum, not more than Ten Pounds, as shall appear to the Justice before whom he shall be convicted to be reasonable Amends to the Person aggrieved, besides any Penalty to which he may be liable for the Offence, and the Evidence of the Person aggrieved shall be admitted in proof of the Offence: Provided always, that if the Person aggrieved shall have been the only Witness examined in proof of the Offence the Sum ordered as Amends shall be paid and applied in the same Manner as a Penalty.

Compensation for Hurt or Damage, not exceeding 10*l*.

XLIV. And be it further enacted, That it shall be lawful for any Constable belonging to the said Police Force, and for all Persons whom he shall call to his Assistance, to take into Custody without a Warrant any Person who, within View of any such Constable, shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to such Constable, and cannot be ascertained by such Constable.

Constables may apprehend Offenders whose Name and Residence is not known.

XLV. And be it further enacted, That it shall be lawful for any Constable belonging to the said Police Force, and for all Persons whom he shall call to his Assistance, to take into Custody without a Warrant any Person who shall unload, put, or throw any Rubbish, Earth, Ashes, Dirt, or Soil into any Part of the River *Thames* locally situate within the Limits of the said City of *London* or the Liberties thereof.

Constables may take into Custody Persons throwing Mud into the River.

XLVI. And be it further enacted, That it shall be lawful for any Constable of the said Police Force to take into Custody without Warrant any Person who within the City of *London* and the

Aggravated Assaults.

Liberties thereof shall be charged by any other Person with committing any aggravated Assault in every Case in which such Constable shall have good Reason to believe that such Assault has been committed, although not within View of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

Removing Furniture to evade Rent.

XLVII. And be it further enacted, That it shall be lawful for any Constable to stop and detain, until due Inquiry can be made, all Carts and Carriages which he shall find employed in removing the Furniture of any House or Lodging between the Hours of Eight in the Evening and Six in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Police Constables and Persons aggrieved may apprehend certain Offenders.

XLVIII. And be it further enacted, That any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor upon summary Conviction, by virtue of this Act, may be taken into Custody without a Warrant by any Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that any thing stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner any thing stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any Offence has been committed with respect to such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized, and if in his Power is required, to apprehend and detain and as soon as may be to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law.

Horses, Carriages, &c. of Offenders may be detained.

XLIX. And be it further enacted, That whenever any Person having Charge of any Horse, Cart, Carriage, or Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, it shall be lawful for any Constable to take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had charge thereof may have become liable, and for Payment of any Expences which may have been necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Justice before whom the Case shall have been heard to order such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, to be sold for the Purpose of satisfying such Penalty and reasonable Expences, in default of Payment thereof, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of such Penalty and reasonable Expences.

Persons apprehended without Warrant to be

L. And be it further enacted, That every Person taken into Custody by any Constable belonging to the said Police Force

without Warrant (except Persons detained for the mere Purpose of ascertaining their Name or Residence) shall forthwith be delivered into the Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before any Justice to be dealt with according to Law, or may give Bail for his Appearance before any Justice, if the Constable in charge shall deem it prudent to take Bail, in the Manner herein-after mentioned.

taken to the
Station House.

LI. And be it further enacted, That whenever any Person charged with any Offence of which he is liable to be summarily convicted before any Justice, or with having carelessly done any Hurt or Damage, shall be, without the Warrant of any Justice, in the Custody of any Constable of the said Police Force in charge of any Station House during the Time when there shall not be any Justice sitting, it shall be lawful for such Constable, if he shall deem it prudent, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Power to take
Recognizances
at Station
Houses on
petty Charges.

LII. And be it further enacted, That whenever any Person charged with any Felony or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be without Warrant in the Custody of any Constable of the said Police Force at any Station House during the Time when there shall not be any Justice sitting, it shall be lawful for the Constable in charge of the Station House to require the Person making such Charge to enter into a Recognizance conditioned as herein-after mentioned, and upon his Refusal so to do it shall be lawful for such Constable, if he shall deem it prudent, to discharge from Custody the Person so charged, upon his Recognizance, with or without Sureties, conditioned as herein-after mentioned.

Power to bind
over Persons
making
Charges.

LIII. And be it further enacted, That every Recognizance so taken shall be without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before any Justice at his next Sitting, and the Time and Place of Appearance shall be specified in the Recognizance; and the Constable shall enter in a Book, to be kept for that Purpose at every Station House, the Name, Residence, and Occupation of the Party, and his Surety or Sureties (if any), entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice present at the Time and Place when and where the Party is bound to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up, to be signed by the Constable, and shall return the same to the next General or Quarter Sessions of the Peace of the said City, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace of the said City.

Condition of
Recognizance.

In default of
Appearance the
Recognizance
to be forfeited.

LIV. And be it further enacted, That for every Misdemeanor or other Offence against this Act for which no special Penalty is herein-before appointed, the Offender shall, at the Discretion of any Justice before whom the Conviction shall take place, either be

As to Offences
for which no
Penalty is ap-
pointed.

liable to a Penalty not more than Five Pounds, or be imprisoned for any Time not more than One Calendar Month in the House of Correction for the said City.

Power to appoint Clerks and Officers.

LV. And be it further enacted, That the said Mayor, Aldermen, and Commons, in Common Council assembled, shall and may appoint such Clerk and Officer or Clerks and Officers for the Purposes of this Act, or any of them, in such Manner, and with such Salaries or other Allowances, as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall from Time to Time think just and reasonable.

Corporation to appoint Committee to carry the Act into execution.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Mayor, Aldermen, and Commons, in Common Council assembled, from Time to Time to appoint One or more Committee or Committees to manage and transact all or any of the Matters or Purposes which they the said Mayor, Aldermen, and Commons, in Common Council assembled, are hereby required to do, execute, or perform, which Committee or Committees shall have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in the said Mayor, Aldermen, and Commons, in Common Council assembled, as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall think fit or proper to delegate to such Committee or Committees.

Contribution of Corporation of London to the Police Force.

LVII. And be it further enacted, That the Mayor and Commonalty and Citizens of the said City of *London* shall and they are hereby required to pay and apply in every Year, from and out of their Revenues and Possessions, One equal Fourth Part of the Expences of the said Police Force.

Power to make Rates.

LVIII. And be it further enacted, That in order to raise Money for defraying the remaining Three equal Fourth Parts of the said Expences, such just and equal Pound Rate as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall think fit to order and direct, by Writing under the Hand of the Town Clerk of the said City, shall be made, laid, and assessed in the several Wards of the said City, within Fourteen Days after the Order of the said Mayor, Aldermen, and Commons, in Common Council assembled, by the Alderman or his Deputy and the major Part of the Common Councilmen of each Ward, upon every Person who shall inhabit, hold, occupy, possess, or enjoy any House within the several Wards respectively, or within any Precinct or Place within the Boundaries of such Wards respectively, or adjoining thereto, and not included within the Limits of the Metropolitan Police District, whether such Person shall be now liable in respect of such House to be assessed to the Relief of the Poor, or be not liable to be assessed to the Relief of the Poor in respect thereof by reason of such House being situate in any Precinct or Extra-parochial Place, for raising such competent Sum and Sums of Money as the said Mayor, Aldermen, and Commons, in Common Council assembled, shall from Time to Time judge needful and direct, so as such Rate do not in any One Year exceed in the whole the Sum of Eight-pence in the Pound on the net annual Value of all such Houses; and in case it shall be considered by the said Mayor, Aldermen, and Commons, in Common Council assembled, that a fair and just Assessment has not been

made in any of the Wards of the said City, or in any Precinct or Place, Parochial or Extra-parochial (if any), it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, to direct an Assessor or Assessors to make a fair and just Assessment on the net annual Value, the Expence whereof shall be paid out of the Monies to be raised by virtue of this Act.

LIX. And be it further enacted, That all Precincts and Places within the City of *London* or the Liberties thereof, or adjoining thereto, and not included within the Limits of the Metropolitan Police District, shall, for the Purposes of this Act, be deemed to be Parts of the City of *London* and of the Wards which the same respectively adjoin.

How Places within the Liberties to be rated.

LX. And be it further enacted, That where any House, with the Appurtenances held therewith, shall be situated partly in one and partly in another of the said Wards, the same shall, for the Purpose of making Rates by virtue of this Act, but for no other Purpose, be deemed to be wholly within the Ward in which the larger Part of the Space of Ground covered by or contained in the same shall be situated, and no Rate shall be paid in respect of the smaller Part thereof in the Ward wherein the same shall be situated; and where from the equal Size of the Parts in each Ward of any such Space of Ground, or from Doubts respecting the Boundary of the Wards, or from any other Cause, it shall be doubtful in which Ward the larger Part of such Space of Ground shall be situated, such House and Appurtenances shall be deemed to be wholly situated in such one of the Wards within which any Part thereof shall be situated as the Person assessed or rated in respect of the same shall elect.

Buildings, &c. partly in each of Two Wards to be assessed wholly in the Ward in which the larger Part is situated.

XI. And be it further enacted, That where any House in respect whereof any Rate shall be made as aforesaid shall be let out in Apartments by the Owner thereof, any Lodger shall be deemed the Occupier thereof for the Purposes of this Act; and the every Lodger who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof shall be recovered, in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable or to be due and payable from him to such Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Lodger to his Landlord or so much Money as he shall pay or as shall be levied on him by virtue of this Act: Provided always, that no such Lodger shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rate and Arrears thereof than the Amount of the Rent actually due or payable by such Lodger to the Owner of the Premises so occupied by him: Provided also, that in all Cases where any Person shall remove from or quit any House which shall be rated or assessed by virtue of this Act, such Person shall be liable to such Rate in proportion to the Time that he occupied the same; and in all Cases where any Person shall come into or occupy any House rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any Rate was empty or unoccupied, the Person coming into or occupying the same shall be liable to pay such Rate in respect thereof in proportion to the Time that

In Houses let out in Apartments, the Lodgers to be deemed the Occupiers.

he

he occupied the same; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward respectively.

How Houses
are to be rated
which are let at
small Rents;
and for the
better Recovery
of the Rates.

LXII. And be it further enacted, That when the yearly Rent or Value of any House within the said Limits shall not exceed Twenty-five Pounds, or when any House shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than quarterly, then and in every such Case (but subject to the Proviso herein-after contained) it shall be lawful for the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward respectively to compound, if they shall think proper, with the Owner of any such House within the said Limits, for the Payment of the Rates to be made by virtue of this Act, at such a reduced yearly Rental as the said Alderman or Deputy and the major Part of the Common Councilmen of the Ward respectively shall think reasonable, so that no such House be rated at less than Two Thirds or more than Four Fifths of the Rack Rent at which the same shall then be let, or of the annual Value of the said Premises; and the Owner of every such House as shall not exceed the yearly Rent of Twenty-five Pounds, or as shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, as aforesaid, and the several Rents whereof shall become due and be collected at any shorter Period than quarterly, is hereby required to enter into such Composition with the said Alderman or Deputy and the major Part of the Common Councilmen of the Ward respectively; and in case such Owner shall refuse to enter into such Composition, he shall from thenceforth be rated to and from Time to Time half pay or cause to be paid the Rates charged upon such House by virtue of this Act unto the Beadle for the Time being, or such other Person as herein-after mentioned, who is hereby authorized and empowered to receive and collect the same, and upon Nonpayment thereof, or of the Amount of such Composition, to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the House aforesaid, wheresoever they may be found, or of the Person inhabiting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that no such Owner shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on account of such Owner having agreed to pay the Rates heretofore chargeable upon the Occupier of such House; and provided also, that the Goods and Chattels of every Person rating or occupying any such House, or any Part thereof, the Rates whereof the Owner is hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of such of the said Rates, and of all Arrears thereof, as become due upon the said House during the Time of his Occupancy; but no such Occupier shall at any Time be required to pay or be subject or liable to pay any greater Sum for or toward the Discharge of the said Rate and Arrears thereof than the amount of the Rent actually due or payable by such Occupier to the Owner of the House so occupied by him: Provided also, that every Occupier

Occupier who shall pay any such Rate or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him to the Owner of such House, unless there shall be some Agreement to the contrary between the Landlord and Tenant; and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay in the Manner directed by this Act: Provided also, that when the yearly Rent or Value of any House which shall be let out furnished, either altogether or in separate Apartments, shall exceed Twenty-five Pounds, it shall not be lawful for the said Alderman or Deputy and the major Part of the Common Councilmen, upon such Composition being made as aforesaid, to take less than the full Amount of the Rate which shall be assessed in respect of such House, but nevertheless such Composition shall be made in manner aforesaid for Payment of the whole of such Rate with and by the Owner of the said House.

LXIII. And be it further enacted, That from and after any Composition at a reduced Rate shall have been made as hereinbefore is mentioned the House therein comprised shall be rated and assessed according to the same reduced Rental, until the Alderman or his Deputy and the major Part of the Common Councilmen of the Ward respectively shall think proper otherwise to rate and assess the said House, and without any Notice to be given to the Owner of the same.

Composition for Rates to extend to future Rates.

LXIV. And in order to prevent Disputes touching the Designation of Owner of any House within the Limits of this Act, be it further enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any House from the Tenant or actual Occupier thereof, shall be deemed and taken for the several Purposes of this Act, and every of them, to be the Owner thereof; and in all Cases in which Owners are made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such House from the Tenant or actual Occupier thereof, shall be liable as Owner thereof, unless the real Owner shall be declared by himself, or shall be distinctly and certainly known to be such to the Satisfaction of the said Alderman or Deputy and the major Part of the Common Councilmen of the Ward respectively; and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates charged and payable for and on account of such House, and to deduct the same out of the Rents received or to be received by him.

Persons receiving the Rents to be deemed the Owners.

LXV. And be it further enacted, That the Owner of every other House, over and above the said yearly Rent of Twenty-five Pounds, within the Limits of this Act, which is or shall or may be let out ready furnished to a Lodger, or, furnished or unfurnished, in separate Apartments for Counting-houses, Offices, or other Purposes, shall be deemed and taken to be the Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates directed by this Act to be made, raised, and levied, according to the yearly Value of the House; and that every Person renting or occupying any such ready-furnished House as aforesaid, or any Apartment

Ready furnished Houses how assessed.

Apartment of any House, shall be liable and compellable to pay the said Rates, to be recovered in manner herein directed; and the Collector for the Time being thereof is hereby authorized and empowered, upon Nonpayment thereof, to levy the same by Distress and Sale of the Goods and Chattels of the Owner of the said House, wheresoever they may be found, or of the Person occupying or renting the same, in such Manner as by this Act is provided for the Recovery of the Rates in other Places; and that every such Occupier who shall pay any Rate, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same, together with the Costs of recovering and levying thereof, which such Occupier shall have paid, from and out of the next Rent due and payable from him to such Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay or shall be levied on him by virtue of this Act; but no such Lodger shall at any Time be required to pay, or be subject or liable to pay, any greater Sum, for or towards the Discharge of the said Rates and Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger to the Owner of the House so let out ready furnished to him: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Directing in
what Manner
empty Houses
shall be assessed.

LXVI. And be it further enacted, That if it shall happen that any House within the Limits of this Act shall at the Time of making any Rate be empty, untenanted, or unoccupied, then and in every such Case it shall be lawful for the Alderman of the Ward where such Premises shall lie, or his Deputy, with the major Part of the Common Councilmen of the said Ward, to rate and assess the said House; and in such Case, as well as in case the said House shall after the making such Rate become empty, untenanted, or unoccupied, not exceeding One Half of every such Rate shall be charged on such House, and be paid by the Owner or by the first Tenant or Occupier thereof, who shall and may and is hereby authorized to deduct and retain the same out of his Rent; and the Owner of such House is hereby required to pay the same, or to allow such Deduction and Payment upon the Receipt of the Residue of his Rent; and the said Tenant or Occupier shall be and he is hereby acquitted and discharged of and for so much of his Rent as the Rate so paid by him shall amount unto.

For making
Copies of Rates.

LXVII. And be it further enacted, That the Alderman or his Deputy and the major Part of the Common Councilmen for the Time being in each Ward within the said City and Liberties are hereby required to set down in Writing and sign Two Copies of the Rates which they shall from Time to Time make by virtue of this Act for the Purposes aforesaid, in which shall be expressed the Names of the Beadles or other Persons who shall be appointed to collect the same, One of which Copies shall, within Ten Days next after the making thereof, be deposited by the Beadle of the said Ward or other Person in the Office of the Chamberlain of the said City of *London*, where the same shall remain; and every Person liable to be rated by virtue of this Act shall and may have free Access thereto at all convenient Times, and be permitted to inspect the same, without Fee or Reward; and any Person neglecting

neglecting to deposit such Copies in the Manner or within the Time aforesaid, or refusing to permit such Inspection as aforesaid, shall for every such Offence respectively forfeit and pay the Sum of Five Pounds.

LXVIII. And be it further enacted, That if it shall appear to the said Committee that the Name of any Person who ought to be included in such Rate hath been omitted therein, or that the Name of any Person hath been inserted in such Rate as Inhabitant, Holder, or Occupier of any House for or in respect of which some other Person ought to have been rated or assessed, or that any House is not rated or assessed according to the net Value thereof, or that any other Alteration or Amendment of such Rate may be necessary, then and in any of such Cases it shall be lawful for the said Committee to add or insert, or cause to be added or inserted, to or in such Rate, the Name of the Person so omitted, together with the Sum for which he ought to be rated and assessed, and the Amount of such Rate in respect thereof, and also to insert and substitute, or cause to be inserted and substituted, the Name of such Person as may be the Inhabitant, Holder, or Occupier of any House, instead of and for the Name of the Person incorrectly inserted in such Rate as the Inhabitant, Holder, or Occupier thereof, and also to alter the Amount of the Sum at which any House shall be rated or assessed, and otherwise from Time to Time to alter and amend the said Rate as they may from Time to Time deem just and reasonable; and that every such Addition, Insertion, Alteration, or Amendment to or in any such Rate shall be valid and effectual in Law to all Intents and Purposes; and the Monies charged to any Person in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if the Name of such Person, or other Alteration or Amendment, had been inserted and made in such Rate when the same was originally made by the said Alderman or his Deputy and the major Part of the Common Councilmen of the respective Wards.

Committee may rectify Errors in the Rates.

LXIX. Provided always, and be it further enacted, That the said Committee shall and they are hereby required, when and so often as any Addition, Insertion, Alteration, or Amendment shall be made by them in any Rate as aforesaid, to deliver or cause to be delivered to the Alderman of the Ward in which such Rate shall have been made, or his Deputy, a Copy of such Rate, with every or any Addition, Insertion, Alteration, or Amendment which shall have been made therein, signed by the Town Clerk of the said City; and in case the Alderman of any Ward, or his Deputy, and the major Part of the Common Councilmen of such Ward, shall think any Addition, Insertion, Alteration, or Amendment so made in such Rate unjust or unreasonable, it shall be lawful to and for them or any of them to appeal, against such Addition, Insertion, Alteration, or Amendment, to the Court of Mayor and Aldermen of the said City, at the next Court to be held next after a Copy of the Rate, with such Addition, Insertion, Alteration, or Amendment, shall have been delivered as aforesaid; and the Determination of the said Court of Mayor and Aldermen respecting the same shall be final and conclusive, and such Rate, according to the Determination of the said Court, shall be valid

Committee to deliver a Copy of any Assessment in which an Alteration shall be made to the Alderman or his Deputy, and he or any of the Common Councilmen may appeal against the Alteration to the Court of Aldermen.

and

and effectual in Law, to all Intents and Purposes whatsoever; and the Monies charged to any Person in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if such Rate had been made by the said Alderman or his Deputy and the major Part of the Common Councilmen of such Ward respectively, and no Addition, Insertion, Alteration, or Amendment had been made therein.

For assessing public Buildings and vacant Spaces of Ground.

LXX. And forasmuch as it is reasonable that all public Buildings (Cathedrals, Churches, Churchyards, Chapels, Meeting Houses, Prisons, and Hospitals for sick Persons excepted,) and all vacant Spaces of Ground, should be rated and assessed in a due Proportion towards the Expence of the said Police Force, be it further enacted, That it shall be lawful for the Alderman of each Ward within the said City and Liberties, or his Deputy, with the major Part of the Common Councilmen of such Ward, and they are hereby required, at such Time as the Rates herein-before directed to be made by them shall from Time to Time be made, to rate and assess towards the Purposes aforesaid all public Buildings whatsoever, and all vacant Spaces of Ground, situate, lying, and being within their Ward, (other than and except the Cathedral Church of *Saint Paul, London*, and the Churchyards and Ground within the Iron Rails encompassing the said Cathedral Church, and all Parish Churches, Churchyards, Chapels, Meeting Houses, Prisons, and such Hospitals as aforesaid,) at such Rate as the said Committee shall order and direct for every Square Yard of such public Buildings and vacant Spaces of Ground, not exceeding the Rate of Four-pence *per* Square Yard; and such Rate so to be from Time to Time made upon any public Building (not being a Cathedral, Parish Church, Churchyard, Chapel, Meeting House, Prison, or Hospital as aforesaid,) or upon any vacant Space of Ground, shall be paid by the Owner thereof; and in case the Owner of any such vacant Space of Ground shall not be known or cannot be found, then the said Rate to be thereon made shall be advanced by the Chamberlain of the City of *London* for the Time being out of the Cash of the said City in his Hands, and the said Ground shall be and remain a Security to the said Chamberlain and his Successors for Repayment of all Rates so to be by him advanced: Provided always, that Meeting Houses not licensed, and Meeting Houses used for any other Purpose than Divine Worship, shall be rated and assessed in the same Manner as other public Buildings.

Corporation or Committee to have the Power of inspecting Tax Assessments, &c.

LXXI. And be it further enacted, That for better enabling the said Mayor, Aldermen, and Commons, in Common Council assembled, or such Committee as aforesaid, to make, levy, and assess any such Rate as herein-before is mentioned, every Assessor or Collector of Taxes or Rates, or any other Officer having the Custody of any Tax, Rate, Assessment, or Duplicate thereof, shall and he is hereby required, upon the Request of the said Mayor, Aldermen, and Commons, in Common Council assembled, or such Committee, at any reasonable Time, to produce to such Person as the said Mayor, Aldermen, and Commons, in Common Council assembled, or such Committee, shall appoint, any Book in which any such Tax, Rate, Assessment, or Duplicate thereof shall be entered,
and

and to permit such Person to examine, copy out, or take such Extracts from the same as may appear to him to be necessary or expedient.

LXXII. And be it further enacted, That in case at any Time hereafter any Owner or Occupier of any House within the said City of *London* and Liberties thereof, for and in respect whereof he shall be rated or assessed, or liable to pay any Rate made or to be made to and for the Purposes of this Act, shall refuse or neglect to pay the Money rated and assessed upon him or which he may be liable to pay by virtue of this Act, and all Arrears, it shall be lawful for any Justice of the said City, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the said Alderman or Deputy, and the major Part of the Common Councilmen of the Ward respectively, or by the said Committee, or by the Ward Beadle, or any Officer or other Person appointed by them, to summon every Person who shall have refused and neglected as aforesaid to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any Justice who shall be then and there present, the Collector of such Rate having previously made Oath that he had duly demanded the said Rate, and that the same was then in arrear and unpaid; and it shall be lawful for any Person authorized by the said Mayor, Aldermen, and Commons, in Common Council assembled, to serve every such Summons upon every Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person thereby intended to be summoned, or by leaving the same at his last or usual Place of Abode, or at or on the House for or in respect whereof the Rate mentioned in such Summons shall remain due and owing; and if any Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend, and shall not show good and sufficient Cause to such Justice as may be then and there present that he is not chargeable with such Rate, then and in every such Case every such Person shall pay the Rate in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate shall not be paid upon such Return of Summons it shall be lawful for any Justice of the said City, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons by the Person who shall have served the same, and Proof on Oath that such Rate is actually due and owing, if the Person shall not attend, and if the Person shall attend, and not show sufficient Cause to the contrary as aforesaid, then upon such Proof that such Rate is actually due, to grant a Warrant under his Hand and Seal authorizing or directing any Person to levy such Rate, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person so neglecting or refusing; and if within Five Days next after any Distress shall be made, the said Rate, with all Arrears due thereon, together with all the said Charges for the said Summons and Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels,

Rates how to
be recovered.

shall

shall not be paid, then the Person authorized by the said Warrant shall cause the said Goods and Chattels to be appraised, and to be sold, either on the Premises where the same shall be distrained or elsewhere, or such Part thereof as in his Judgment shall be sufficient to pay the said Rate, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner of such Goods and Chattels, upon Demand thereof made by him; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured, or shall be removed, so that such Person appointed to collect the said Rate as aforesaid cannot distrain the same, or in case after such Distress and Appraisalment of Sale as hereinbefore are directed the Proceeds thereof shall not be sufficient to pay the said Rate, and the said Costs, Charges, and Expences as aforesaid, then and in any such Case, upon Information thereof given to any Justice of the said City, it shall be lawful for any such Justice and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Apprehension of any such Person making default in the Payment of such Rate and the Arrears thereof, or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person to the House of Correction for the said City, there to remain without Bail or Mainprize for any Time not exceeding the Space of One Calendar Month, unless such Rate, and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or otherwise, shall be sooner paid.

Costs of Distress.

LXXIII. Provided always, and be it further enacted, That in Cases where the Amount of such Rate shall not exceed the Sum of Twenty-five Pounds the Costs and Charges levied for the Distress shall not exceed the Costs and Charges specified in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act to regulate the Costs of Distresses levied for Payment of small Rents.*

57 G. 3. c. 93.

Form of Warrant of Distress.

LXXIV. And be it further enacted, That every Warrant of Distress for Nonpayment of any Rate or Composition to be made by virtue of this Act shall be in the Words or to the Effect following :

‘ London } To the Collector of the Rates for the Police of the
 ‘ to wit. } City of London and Liberties, and to all Constables, Headboroughs, Beadles, and Peace Officers for the
 ‘ said City :

‘ **W**HEREAS the under or hereafter mentioned Person [or Persons, if more than One], now or late an Owner or Occupier [or Owners or Occupiers, if more than One,] of a House, Shop, Warehouse, Counting-house, Office, Cellar, Vault, or of Land, or a Tenement, [or of Houses, Shops, Warehouses, Counting-houses, Offices, Cellars, Vaults, Lands, or Tenements, if more than One Person be included in the Warrant,] or other Hereditaments, or Parts of Houses, Shops, Warehouses, Counting houses, Offices, Cellars, Vaults, Lands, or Tenements, within the said [insert the Name of the Ward], was and is [or were and are,

are, as the Case may be,] rated and assessed or is or are [as the Case may be] liable to the Payment of the Sum or Sums of Money set at and opposite to his or their respective Name or Names [as the Case may be] hereunder written, by virtue of a Rate or Rates duly made under and by virtue of an Act passed in the Year of the Reign of Queen Victoria [set forth the Title of this Act]: And whereas the said Person or Persons has or have [as the Case may be] refused or neglected to pay the Sum or the several Sums of Money set at and opposite his or their Name or Names [as the Case may be] hereunder written due from him or them by virtue of such Rate or Rates [as the Case may be], and the said several Sum and Sums of Money is or are [as the Case may be] still remaining due and unpaid, as appeareth upon Oath to me the Mayor or one of the Aldermen or Justices of the said City [as the Case may be], and the said several Person or Persons [as the Case may be] having been summoned to appear to answer the Premises, as also appeareth to me the said Mayor, Aldermen, or Justice upon Oath, and neither he nor they, nor either of them [as the Case may be], having shown any sufficient Cause why such Sum or Sums of Money [as the Case may be] should not be paid by him or them respectively [as the Case may be], as also appeareth to me upon Oath: Now these are therefore, in Her Majesty's Name, to will and require you, or either of you, forthwith to levy the said Sum or several Sums of Money [as the Case may be] due from the said Person or Persons [as the Case may be], and hereunder or hereafter set at and opposite to his or their Names respectively [as the Case may be], and also the Two several Sums of [inserting the Amount of the Costs and Charges for the Summons and for the Warrant, or for either of them, as the Case may be,] for the Costs and Charges of the said Summons, and of these Presents, by Distress and Sale of his or their respective Goods and Chattels [as the Case may be], such Goods and Chattels being kept for the Space of Five Days before the same are sold, rendering to him or them respectively [as the Case may be] the Overplus (if any), on Demand, and the reasonable Charges of such Distress, and of any Removal or keeping Possession, Appraisement or Sale thereof, being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to me, to the end such Proceedings may be had therein as to the Law doth appertain: And I do hereby strictly charge and command all and singular the Constables, Headboroughs, and other Her Majesty's Peace Officers for the said City to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal this Day of in the of our Lord

' A.B.'

' A. B.	-	-	-	-	-
' C. D.	-	-	-	-	-
' E. F. (the Landlord for divided Premises)					
' G. H., Landlord for		in			
compounded for	-	-	-	-	
' K. L. (Tenant)	-	-	-	-	

£ s. d.

Proceedings
against Persons
removing Goods
without the
Rates being
paid.

LXXV. And for the better enforcing the Payment of the Rates to be made by virtue of this Act, be it further enacted, That if any Person liable to pay any Rate shall at any Time begin to remove his Goods or Furniture from the House in his Occupation within the Limits of this Act, or to sell or dispose of such Goods or Furniture therein by public Auction, or to sell or dispose of or carry away his Goods or Furniture as aforesaid, without paying all Arrears then due or rated in respect of such House, in which the current Quarter shall be considered as due, that then and in any of the said Cases it shall be lawful for the said Beadle for the Time being, or other Person, to collect and levy such Rate, and all Arrears due thereon, by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rate, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Beadle or other Person shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rate, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner of such Goods or Chattels respectively.

Actions may be
brought for
Rates.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Committee, to bring or cause to be brought, in the Name of the said Mayor and Commonalty and Citizens, or of the Chamberlain of the said City for the Time being, any Action of Debt or special Action on the Case in any of Her Majesty's Courts of Record at *Westminster* for any Rate to be made by virtue of this Act which shall exceed in Amount the Sum of Twenty Pounds, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in such Sum of Money as the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Committee, shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Rates may be
remitted on ac-
count of Po-
verty or other-
wise.

LXXVII. And be it further enacted, That it shall be lawful from Time to Time for the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Committee, and they are hereby empowered, upon the Complaint of any Person subject to the Payment of any Rate made or to be made by virtue of this Act who shall think himself aggrieved thereby, or incompetent to pay the same, to mitigate, reduce, or lessen the same as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof, or any Part thereof, for any Cause which they shall deem sufficient, or for or on account of the Poverty or Indigence of any Person liable to pay the same so complaining.

Owners and
Occupiers of
Markets to be
subject to the

LXXVIII. And be it further enacted, That the Owners and Occupiers of such public Markets within the said City and Liberties as for the Time being shall not be let on Farm or Lease, their
Heirs,

Heirs, Successors, Executors, Administrators, and Assigns, shall be subject to the Payment of the same or the like Sums of Money as the Farmers or Lessees of such Markets respectively, their Executors, Administrators, and Assigns, would have been liable to by virtue of this Act if the same respectively had been let on Lease or Farm; and such Sums of Money shall and may be recovered from the said Owners or Occupiers, their Heirs, Successors, Executors, Administrators, or Assigns, and may be compounded for by them, in like Manner as the same might have been recovered, and might have been compounded for by such Farmers or Lessees, their Executors, Administrators, and Assigns.

same Payments as Farmers and Lessees.

LXXIX. And be it further enacted, That the Beadles of the several Wards, or such other Persons as the Aldermen, Deputies, and Common Councilmen of such Wards respectively, or the major Part of them, shall from Time to Time appoint, shall collect the said Rate quarterly at the Commencement of each Quarter, and shall severally enter in some Book to be by them respectively kept for that Purpose the several Sums which they shall from Time to Time receive on account of the said Rate, and likewise the Names of the Persons from whom and the particular Times when they received the same, which Book they shall at all Times produce, upon Demand, and show to the Deputies or any of the Common Councilmen of their respective Wards, and the said Committee; and they shall pay the Money by them respectively received on account of the said Rate into the Hands of the Chamberlain of the said City as they shall receive the same, and in such Manner as that no such Beadle or other Person shall ever have a Sum exceeding Twenty Pounds so collected at One Time in his Hands by the Space of Three Days; and if any such Beadle or other Person shall neglect to make such Entries, or shall refuse to produce and show to the Deputy or any of the Common Councilmen of his Ward, or to the said Committee, the Book hereby directed to be kept for the Purposes aforesaid, or shall keep or retain in his Hands more than the said Sum of Twenty Pounds longer than Three Days, in every such Case the Person so offending shall forfeit the Sum of Five Pounds for such Offence; and every such Beadle or other Person shall give a Bond to the Chamberlain of the said City in such Penalty and with such Surety or Sureties as the Alderman or his Deputy, or the major Part of the Common Councilmen of the Ward respectively, shall think proper, for Payment of the Monies to be received by him, and for the due Performance of the Duties of his Office.

Beadles, &c. to collect the Rates quarterly, and enter the Sums in Books kept for that Purpose;

Beadles not to retain Money in their Hands.

Penalty for Neglect of Duty.

Beadles to give Bond.

LXXX. And be it further enacted, That in case any such Beadle or other Person shall embezzle or make away with, detain, or misapply, or become unable to pay any Sum of Money so collected by him, or shall die possessed of any such Sum of Money, and the same shall not be paid by his Surety, or by his Executors or Administrators, or cannot be recovered, then and in every such Case such Sum of Money shall be again rated and assessed on the Inhabitants of the Ward of which such Beadle or other Person was Collector, in such Proportion and Manner as the said Rates are directed to be made by this Act, and shall be collected and levied in such Manner and under such Penalty as are herein-before provided for collecting and levying the said original Rate.

If Beadles, &c. become unable to pay, the Money to be again assessed.

Rate Books to be received as Evidence.

LXXXI. And be it further enacted, That the Rates or Copies thereof herein-before directed to be delivered. and also the Books herein-before directed to be kept, and all Entries duly made therein, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such Rates, or such of them or such Part thereof as shall by such Entries appear to have been paid, to such Beadle or other Person.

Charges of Ward Clerks to be paid out of the Rates.

LXXXII. And be it further enacted, That all the reasonable Costs and Charges of the respective Clerks of the Wards within the said City and Liberties thereof, for making out Books and Copies of the Rates by this Act authorized to be assessed, or in anywise relating thereto, to be ascertained and allowed by the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Committee, shall be paid by the said Mayor, Aldermen, and Commons, in Common Council assembled, or the said Committee, by and out of the said Rates.

Common Council to determine the Number of Beadles.

LXXXIII. And be it further enacted, That the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, shall and they are hereby empowered and required, between the First Day of *October* and the Twentieth Day of *November* next following in every Year, to order and appoint what Number of Beadles they shall judge necessary and proper to be kept within each of the several Wards of the said City and the Liberties thereof for One whole Year, commencing from the Twenty-fifth Day of *December* next ensuing the said Order, and shall direct what Wages and Allowances shall be given to them for their Attendance.

Alderman, &c. of each Ward to make Orders and Regulations within their respective Wards.

LXXXIV. And be it further enacted, That the Alderman, Deputy, and Common Councilmen of each Ward within the said City, or the major Part of them, whereof the Alderman or Deputy shall be One, shall yearly and every Year, within Fourteen Days after the Number of Beadles shall have been appointed as aforesaid, assemble at some convenient Place within their respective Wards, and shall then make such Orders and Regulations concerning the Beadles as the Nature of the Service shall appear to them to require, and such further Orders and Regulations for the better Government and Direction of the said Beadles within their respective Wards as they shall think proper, provided that such Orders and Regulations be not repugnant to the Orders and Regulations which shall be made by the said Mayor, Aldermen, and Commons, in Common Council assembled.

Expences of Ward Clerks and Beadles, &c. to be paid out of the Rates levied under this Act.

LXXXV. ' And whereas there are various Charges of Ward Clerks and Beadles, and other Expences connected with the holding of Wardmotes or other Ward Meetings, and for other local Purposes connected therewith, within the several Wards of the said City, which have heretofore been paid out of the Watch Rate; ' be it therefore enacted, That all the reasonable Charges and Expences of each of the several Wards of the said City in respect of the several Matters aforesaid, to be from Time to Time approved and allowed by the Inhabitants of each such Ward in Wardmote assembled, and certified to the said Committee by the Alderman, Deputy, and Common Councilmen of each Ward, or the major Part of them, shall be paid by the said Committee out of the Rates to be made by virtue of this Act; and the said Committee shall charge the same upon such Ward respectively in the

next

next succeeding Assessment when the Amount thereof shall be raised in the same Manner as and in addition to the Rate on such Ward for the other Purposes of this Act: Provided always, that a distinct Account shall be kept of all such Charges and Expences separate from the Expence of the Police Force established under this Act.

LXXXVI. And be it further enacted, That any Rents and Payments which may hereafter become due in respect of such Watch-houses in the several Wards of the said City as shall not be required as Station Houses for the said Police Force, until the same Watch-houses can be disposed of, and all other Payments and Liabilities in respect of the Watch within the said Wards respectively which shall from Time to Time be approved and allowed by the Inhabitants of each such Ward in Wardmote assembled, and certified to the said Committee, shall be paid by the said Committee by and out of the said Rates, and the said Committee shall charge the same upon such Ward respectively in the next succeeding Assessment, in addition to the Rate on such Ward for the other Purposes of this Act.

Rents of present Watch-houses, until disposed of, and other Liabilities, to be paid out of the Rates.

LXXXVII. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, to make such Allowances to superannuated Watchmen, Beadles, and Patroles as they shall think proper, and such Allowances shall be raised and paid as Part of the Expences of this Act.

Allowances to superannuated Watchmen, &c.

LXXXVIII. And be it further enacted, That all the Powers and Authorities directed by this Act to be exercised by the Alderman or his Deputy, and the major Part of the Common Councilmen of any Ward, shall and may during the Election of any Alderman, and while there shall be no Alderman of such Ward respectively, be exercised by the major Part of the Common Councilmen of such Ward.

How Powers of Act to be exercised when there is no Alderman.

LXXXIX. Provided always, and be it enacted, That any Rate for defraying the Expences of the Night Watch in any Ward, or for defraying such Expences, and also for other Purposes, under the Directions and Provisions of the said Act of the Tenth Year of the Reign of King *George* the Second, made previous to the said Twenty-fifth Day of *December*, shall be levied and collected in the same Manner as if this Act had not been passed.

Proviso for Watch Rates, already imposed.

XC. Provided always, and be it further enacted, That the Surplus (if any) which on the Twenty-fifth Day of *December* next shall remain of the Sums of Money received or to be received in respect of the Rates for defraying the Expences of the Night Watch in each Ward respectively, after answering and satisfying all the Payments and Purposes to which such Rates shall be applicable, shall be applied in each Ward respectively towards Payment of the Ward Clerks and Beadles, and other Expences connected with the holding of Wardmotes or other Ward Meetings, and for other local Purposes connected therewith, as herein-before mentioned.

Any Surplus to be applied in aid of the Payment of the Ward Clerks, &c.

XCI. And be it further enacted, That from Time to Time there shall be provided and kept by the Chamberlain of the said City for the Time being One or more Book or Books in which all the Sums of Money which shall be raised or received by virtue of this Act, or otherwise received by him, shall from Time to Time, as

Accounts to be kept by the Chamberlain.

the same shall be paid, be entered and set down, and wherein also all the Monies to be paid and disbursed out of the Sums of Money to be raised or received as aforesaid shall from Time to Time be entered and set down, and such Entry shall express the Time when, the Occasion for which, and the Names of the Persons to whom the same respectively shall be paid.

Accounts to be laid before Parliament yearly;

XCII. And be it further enacted, That there shall be yearly laid before each House of Parliament a true Account of the Receipts and Application of the Sums of Money which shall be received and paid respectively by virtue of this Act; and in every such Account the Sums which shall have been levied and paid for the Purposes of the Police Force established under this Act shall be shown separately from all other Sums hereby authorized to be levied and paid as Part of the Expences of this Act, or under any of the Powers of this Act.

and before the Common Council.

XCIII. And be it further enacted, That there shall be yearly laid before the said Mayor, Aldermen, and Commons, in Common Council assembled, a true Account of the Receipts and Application of the Sums of Money which shall be raised and paid respectively by virtue of this Act.

Election of Ward Constables suspended.

XCIV. And be it further enacted, That from and after the passing of this Act, and until this Act shall be repealed, the ancient Right or Custom of electing Ward Constables in the City of London shall be suspended.

If this Act is repealed, the Election of Ward Constables to be revived.

XCIV. Provided always nevertheless, and be it further enacted, That if this Act shall be repealed the Right or Custom of electing Ward Constables shall be revived, and shall be exercised in as full, ample, and beneficial a Manner as if this Act had not been made; and the Interruption in the Exercise of such Right or Custom shall not be deemed in Law to be a Waiver or Discontinuance of any such Right or Custom, but the same shall be in as full Force and Effect, and may be claimed and pleaded in the same Manner, to all Intents and Purposes, as if it had been exercised during the Time in which the Exercise thereof shall have been suspended or interrupted by virtue of this Act; and such Suspension in respect of the Election of Constables shall not affect any other Right, Custom, or Usage of the Court of Wardmote, or the Election of other Ward Officers, but the same shall remain and be enjoyed in as full and ample a Manner, to all Intents and Purposes, as if the said Election of Constables had continued without such Suspension.

Persons rated not liable to any Watch.

XCVI. Provided always, and it is hereby enacted and declared, That no Person who shall be rated and assessed to pay to any Rate to be made in pursuance of this Act shall be liable to any Watch or Ward by virtue of the Statute commonly called the Statute of *Winchester*, made in the Thirteenth Year of King *Edward* the First, or any subsequent Statutes relating thereto, but shall be and is hereby discharged of and from the same.

Recovery and Application of Forfeitures.

XCVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the said City, and afterwards be levied, as well as the

Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon and examine any Witness upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Chamberlain of the said City for the Time being, to be applied for the general Purposes of this Act; and it shall be lawful for the said Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justice, for his Appearance before the said Justice on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise, as to him shall seem right and proper; or in case it shall appear to the Satisfaction of the said Justice, either by the Confession of the Offender or otherwise, that he hath no Goods or Chattels within the Jurisdiction of the said Justice sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, the said Justice may, at his Discretion, without issuing any Warrant of Distress, commit the Offender for such Period of Time in such and the like Manner as if a Warrant of Distress had been issued and a Nulla bona returned thereon.

XCVIII. And be it further enacted, That the Justice by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as he shall think fit, and that in default of Payment at the Time appointed he shall be imprisoned in *Bridewell* or the House of Correction for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, the Imprisonment to cease upon Payment of the Sum due and the Costs for Recovery thereof.

Scale of Imprisonment for Nonpayment of Penalties.

XCIX. And be it further enacted, That the Justice before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case may require; that is to say,

Convictions to be drawn up in following Form.

{ *London* } BE it remembered, That on the _____ Day of _____
 { to wit } _____ in the Year of our Lord _____
 { at _____ in the City of *London*, *A.B.* is convicted before
 { me [or us] Mayor, One [or Two] of the Aldermen or Justices
 { of the said City, for that he the said *A.B.* did [*specify the Of-*
 { *fence, and the Time and Place when and where the same was*
 { *committed, as the Case may be*]; and I [or we] Mayor, the said
 { Alderman [or Aldermen], Justice [or Justices], adjudge the said
 { _____ *A.B.*

Form of Conviction.

‘ *A.B.* for his said Offence to forfeit and pay the Sum of [*here state the Amount of the Sum to be paid*], and in default of immediate Payment of the said Sum to be imprisoned in the
 ‘ for the Space of _____ unless the said Sum shall be sooner paid; and I [*or we*] order that the said Sum shall be paid by the said *A.B.* on or before the _____ Day of _____ and in default of Payment on or before that Day I [*or we*] adjudge the said *A.B.* to be imprisoned in the
 ‘ for the Space of _____ unless the said Sum shall be sooner paid; and I [*or we*] direct that the said Sum shall be paid to the Chamberlain of the said City of *London*, to be by him applied according to the Act passed in the _____ Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*].
 ‘ Given under my Hand and Seal [*or our Hands and Seals*] the _____ Day and Year first above mentioned.’

Justices may summons for the Recovery of Penalties.

C. And be it further enacted, That in all Cases in which any Rate made by virtue of this Act, or any Penalty or Forfeiture hereby imposed, is made recoverable before any Justice, it shall and may be lawful for any Justice to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before the said Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Appeal.

Cl. And be it further enacted, That it shall be lawful for any Person who shall think himself aggrieved or over-rated by any Rate made in pursuance of this Act, and also for any Person who shall be convicted by any Justice of the said City of any Offence against this Act, to appeal to the Justices of the Peace for the said City, at their General or Quarter Sessions to be holden for the said City of *London* within Three Calendar Months next after such Cause of Complaint shall arise, unless the same shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the Second Sessions after such Cause shall arise; and the said Justices are hereby authorized and required to take cognizance thereof, and to hear and determine such Complaint, and shall and may, if they see Cause, amend the said Rate, or vacate or set aside the Conviction, and set the Parties at liberty, or otherwise may ratify or confirm the same respectively, with such Costs as to them in their Discretion shall seem reasonable, and shall and may levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person who shall refuse to pay the same, and for Want of sufficient Distress shall and may commit such Person to the House of Correction for the said City of *London* for any Time not exceeding Three Calendar Months, or until Payment of such Costs, but may be liberated on entering into such Recognizance as any such Justice shall direct: Provided always, that the Person so appealing as aforesaid shall and he is hereby required to give Notice in Writing
 of

of such his Intention of bringing or prosecuting such Appeal Fourteen Days before the said General or Quarter Sessions, and shall, before such Notice given, enter into a Recognizance before some Justice of the said City, in the Sum of Twenty Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party so appealing.

CII. Provided always, and be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised by this Act, shall by reason thereof, or by reason of the Application of any Penalty towards the Purposes of this Act, or by reason of his being a Freeman of the City of London, be deemed to be an incompetent Witness before any Court or Justice in any Proceeding whatever for any Offence against this Act, or in any Matter relating to the Money to be raised by virtue of this Act, or in any other Matter mentioned in this Act; and no Justice shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates authorized to be raised by this Act.

Persons paying Police Rate, or being Freeman, not to be deemed incompetent Witnesses.

CIII. And be it further enacted, That no Conviction, Order, Warrant, or other Matter made or purporting to be made by virtue of this Act shall be quashed for Want of Form; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided that it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same; and where any Distress shall be made for levying any Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) in an Action upon the Case.

No Proceeding to be quashed for Informality, or Defect in Warrant, &c.

CIV. And be it further enacted, That the Charges and Expences of obtaining and passing this Act, and incident thereto, shall be defrayed by and out of the Monies to be raised by virtue of this Act.

Expences of this Act.

CV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

Cap. xciv.

An Act for extending the Line of the Railway between London and Blackwall called "The Commercial Railway;" and for amending the Acts relating thereto. [17th August 1839.]

[Powers of 6 & 7 W. 4. c. cxxiii. and 7 W. 4. & 1 Vict. c. cxxxiii. (except as altered) extended to this Act, § 1. Saving the Rights of the Commissioners of Sewers for the City of London, § 32; and of the New River Waterworks Company, § 38.]

Cap. xcvi.

An Act for establishing a General Cemetery for the Interment of the Dead in the Parish of *Brighton* in the County of *Sussex*.
[17th August 1839.]

Cap. xvii.

An Act for the more speedy Recovery of Small Debts within the Manor of *Hatfield* and other Places in the West Riding of the County of *York*.
[17th August 1839.]

Cap. xviii.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Belper* and several other Places in the County of *Derby*.
[17th August 1839.]

Cap. xcix.

An Act for the more easy and speedy Recovery of Small Debts within the Borough of *Newark* and other Places in the Counties of *Nottingham* and *Lincoln*.
[17th August 1839.]

Cap. c.

An Act for the more easy Recovery of Small Debts within the Parishes of *Prestwich-cum-Oldham* and *Middleton* in the County of *Lancaster*.
[17th August 1839.]

Cap. ci.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Bury* and other Places therein mentioned in the County of *Lancaster*.
[17th August 1839.]

Cap. cii.

An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Wirksworth*, and other Parishes and Places adjacent or near thereto, in the several Counties of *Derby* and *Stafford*.
[17th August 1839.]

Cap. ciii.

An Act for the more easy and speedy Recovery of Small Debts within the Parish of *Eckington* and other Places in the County of *Derby*.
[17th August 1839.]

Cap. civ.

An Act for the more easy and speedy Recovery of Small Debts within the Borough and Parish of *Chesterfield*, and other Parishes and Places adjacent or near thereto, in the County of *Derby*.
[17th August 1839.]

Cap. cv.

An Act for the more easy and speedy Recovery of Small Debts within the Town and County of the Town of *Nottingham*, and other Places therein mentioned, in the Counties of *Nottingham* and *Derby*.
[17th August 1839.]

Cap. cvi.

An Act for the more easy and speedy Recovery of Small Debts within the Parishes of *Halifax, Bradford, Keighley, Bingley, Guiseley, Colverley, Batley, Birstal, Mirfield, Hartishead-cum-Clifton, Almondbury, Kirkheaton, Kirkburton, and Huddersfield,* and the Lordship or Liberty of *Tong*, in the County of *York*.

[24th August 1839.]

[33 G. 3. c. 84. in part repealed, § 1.]

Cap. cvii.

An Act for further extending the Approaches to *London Bridge*, and amending the Acts relating thereto. [26th August 1839.]

[4 G. 4. c. l. 7 G. 4. c. xl. 7 & 8 G. 4. c. xxx. 10 G. 4. c. cxxxvi. 11 G. 4. c. lxiv. 1 W. 4. c. iii. 2 & 3 W. 4. c. xxiii. and 4 & 5 W. 4. c. xiii. recited, § 1. Saving the Rights of Her Majesty and the Corporation of *London*, § 106; and of Commissioners of Sewers for the City of *London*, § 107.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

N. B.—*To each of these Acts is annexed a Clause in the Form following :*

“ And be it further enacted, That this Act shall be printed by
“ the several Printers to the Queen's most Excellent Majesty duly
“ authorized to print the Statutes of the United Kingdom ; and
“ a Copy thereof so printed by any of them shall be admitted
“ as Evidence thereof by all Judges, Justices, and others.”

Cap. 1.

An Act for inclosing certain Open and Common Downs or Sheepwalks within the several Tithings of *Oxenbourn* and *Ramsdean* in the Parish and Manor of *Eastmeon* in the County of *Southampton*. [14th May 1839.]

[*Allotments to be made for Chalk and Gravel Pits, and for Watering Places for Cattle, § 27 ; and for poor Cottagers, § 28 ; and for Exercise and Recreation, § 29 ; and to the Lord of the Manor in Right of Soil, § 30.*]

Cap. 2.

An Act for inclosing Lands in the Honour or Lordship of *Chirk* and *Chirk Land* in the several Parishes of *Llangollen* and *Llainsaintfraid Glyn Ceiriog* in the County of *Denbigh*.

[14th May 1839.]

[*Allotment to be made for Materials for Roads, § 50 ; and for supplying the Inhabitants with Water, § 51 ; and for Exercise and Recreation, § 52 ; and to the Lady of the Honour or Lordship, § 53. Saving of Manorial Rights, § 75.*]

Cap. 3.

An Act for inclosing Lands in the Parish of *Stow cum Quy* in the County of *Cambridge*. [14th May 1839.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made to Lord of the Manor in Right of Soil, § 43 ; and for Exercise and Recreation of the Inhabitants, § 44. Saving the Rights of the Bedford Level Corporation, § 78.*]

Cap. 4.

An Act for inclosing Lands in the Parish of *Moulton* in the County of *Suffolk*. [14th May 1839.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Repair of Highways, § 45; and to the Lord of the Manor for Right of Soil, § 46; and to the Rector for Glebe and Common Rights, § 47. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months after the passing of the Act, § 48. Allotment to be made for Exerciss and Recreation of the Inhabitants, § 49. Rector's Allotment to be fenced at the general Expence, § 55.*]

Cap. 5.

An Act for inclosing Lands in the Parishes of *Fretherne* and *Saul* in the County of *Gloucester*. [14th May 1839.]

[*Allotment to be made for Recreation of the Poor, § 35; and to the Lords of the Manors of Fretherne and Saul for Right of Soil, § 36.*]

Cap. 6.

An Act for inclosing Lands in the Parish of *Melbourn* in the County of *Cambridge*. [14th May 1839.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Repair of Highways, § 42; and to the Lords of the several Manors for Right of Soil, § 43; and to the Impropropriators and Vicar in lieu of Glebe and Common Rights, § 44. Vicar, with Consent of the Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months after the passing of the Act, § 45. Allotment to be made for Recreation of the Inhabitants, § 46. Vicar's Allotments to be fenced at the general Expence, § 52.*]

Cap. 7.

An Act for the Sale of the Advowson of the Vicarage of *Tebury* in the County of *Gloucester*. [14th May 1839.]

Cap. 8.

An Act for inclosing Lands in the Parish of *Berkeley* in the County of *Gloucester*. [4th June 1839.]

[*Allotment to be made for Recreation of the Poor, § 37; and to the Lord of the Manors for Right of Soil, § 38. Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 77. Saving Rights of the Lord of the Manors, § 79.*]

Cap. 9.

An Act for inclosing Lands in the Manor and Township of *Tolley* in the Parish of *Dronfield* in the County of *Derby*. [4th June 1839.]

[*Allotments to be made for Watering Places and for Materials for Roads, § 24; and to the Lord of the Manor for Right of Soil, § 39;*

§ 39; and for Recreation of the Inhabitants, § 40. Allotment to Lord of Manor to be fenced at the general Expence, § 42. Saving Rights of Lord of the Manor, § 69.]

Cap. 10.

An Act for inclosing Lands in the Manor of *Unstone* in the Parish of *Dronfield* in the County of *Derby*. [4th June 1839.]

[Allotment to be made for Watering Places, § 23; and to the Lord of the Manor for Right of Soil, § 24; and to the Vicar in lieu of Tithes, § 25; and for Recreation of the Inhabitants, § 26. Saving the Rights of the Lord of the Manor, § 42.]

Cap. 11.

An Act for inclosing Lands in the Parish of *Ringstead* in the County of *Northampton*. [4th June 1839.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotments to be made to Lords of Manors for Right of Soil, § 39; and for the Recreation of the Inhabitants, § 40.]

Cap. 12.

An Act for inclosing Lands in the Parish of *Barton* in the County of *Cambridge*. [14th June 1839.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 43; and to Lords of Manors for Right of Soil, § 44; and to the Impropriator and Vicar in lieu of Glebe and Common Rights, § 45. Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months after the passing of the Act, § 46. Allotment to be made for Recreation of the Inhabitants, § 47. Vicar's Allotments to be fenced at the general Expence, § 53.]

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[14th June 1839.]

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Cap. 15.

An Act for inclosing Lands in the Parish of *Rampton* in the County of *Cambridge*. [14th June 1839.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act*, § 1. *Allotment to be made for a Clay Pit*, § 39; and to the *Lady of the Manor for Right of Soil*, § 40; and to the *Impropriator in lieu of Glebe and Common Rights*, § 41; and for *Recreation of the Inhabitants*, § 42.]

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Cap. 17.

An Act to enable the Trustees of the Estates devised by *William Hulme* Esquire to appropriate certain Parts of the accumulated Fund arising from the said Estates towards the Endowment of Benefices, the building of Churches, and for other Purposes. [14th June 1839.]

Cap. 18.

An Act for vesting certain Hereditaments situate in the Parish of *Drypool* within the Borough of *Kingston-upon-Hull* and in the Parish of *Sutton* in the East Riding of the County of *York* respectively, late the Property of *Robert Raihes* Esquire, deceased, in Trustees, upon Trust to be sold, and for laying out the Money arising therefrom in the Purchase of other Estates to be settled to the same Uses. [14th June 1839.]

Cap. 19.

An Act for giving Effect to certain Powers as to Parts of the Settled Estates of the Most Noble *Richard Plantagenet* Duke of *Buckingham* and *Chandos*. [1st July 1839.]

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Cap. 21.

An Act for enabling the Keepers and Governors of the Possessions, Revenues, and Goods of the Free Grammar School of *John Lyon* within the Town of *Harrow on the Hill* in the County of *Middlesex* to grant improving Leases of their Estates at *Harrow* and *Barnet*, and for other Purposes therein mentioned. [1st July 1839.]

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Cap. 23.

An Act for vesting certain Parts of the devised Estates of *Hannah Gilpin Sharp* Widow, deceased, in Trustees, in Trust to be sold or demised, for the Purposes therein mentioned. [1st July 1839.]

Cap. 24.

An Act for vesting certain Parts of the Entailed Estate of *Lady-kirk* in Trustees, to be sold, for Payment of the Debts affecting the same, and for other Purposes therewith connected. [1st July 1839.]

Cap. 25.

An Act for authorizing the granting of Leases of Part of the Estates in the County of *Kent* devised by the Will of the Right Honourable *Edward* Earl of *Darnley* deceased. [1st July 1839.]

Cap. 26.

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Cap. 27.

An Act to enable the Mayor and Commonalty and Citizens of the City of *London* to sell Building Ground in *Saint George's Fields.* [1st July 1839.]

Cap. 28.

An Act for inclosing certain Lands called the *West Croft* and *Burton Leys*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham.* [1st July 1839.]

[*Allotments to be made to the Vicar for Tithes, § 35; and for Rights of Common in West Croft, Free Leys, and Burton Leys, § 36; and to the Corporation, § 40. Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 51*]

Cap. 29.

An Act for inclosing Lands in the Parishes of *West Beckham* and *Alby* in the County of *Norfolk*. [1st July 1839.]

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Cap. 30.

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[*Allotments to be made for Tithes of Hay*, § 34; and to *Freemen of the Town and others for Common of Pasturage*, § 35. *Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act*, § 55.]

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An Act for altering and amending certain Acts relating to the Churches of *Saint Mark*, *Saint Luke*, and *Saint Michael* in the Borough of *Liverpool*. [4th July 1839.]

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An Act for vesting the Estate called the *Combe Bank* Estate, late belonging to the Right Honourable *Arthur Lord Templemore*, deceased, in Trustees to sell the same, and to invest the Produce of such Sale for the Benefit of his infant Sons.

[4th July 1839.]

Cap. 35.

An Act to authorize the Sale of certain Lands, Tenements, and Hereditaments in the Counties of *Kent* and *Northampton*, formerly belonging to *William Marshall of Clifford's Inn* in the City of *London*, Gentleman, deceased; and for other Purposes incidental thereto. [19th July 1839.]

Cap. 36.

An Act to enable *Randolph* Earl of *Galloway*, or the Heir in Possession of the Entailed Estates of *Garlies*, *Baldoon*, *Newton Stewart*, and others, in the County of *Wigton* and Stewartry of *Kirkcudbright*, to reclaim certain sloop Ground on the Shores of the said Estates, and to drain and improve the *Moss of Cree*, Part thereof; and to burden the said Estates partially, and the reclaimed and improved Land, with the Expence; and also to burden the said Estates with certain Expences incurred by the said Earl in improving the same. [19th July 1839.]

Cap. 37.

An Act for vesting Parts of the Estates of Sir *John Davie* Baronet, deceased, in Trustees, upon Trust to be sold; and for laying out the Purchase Money, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses. [19th July 1839.]

Cap. 38.

An Act for effecting an Exchange of Mines and Lands between Sir *Benjamin Hall* Baronet and others, and *Capel Hanbury Leigh* Esquire and others. [19th July 1839.]

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* *Signifies that the Act relates exclusively to Ireland.*

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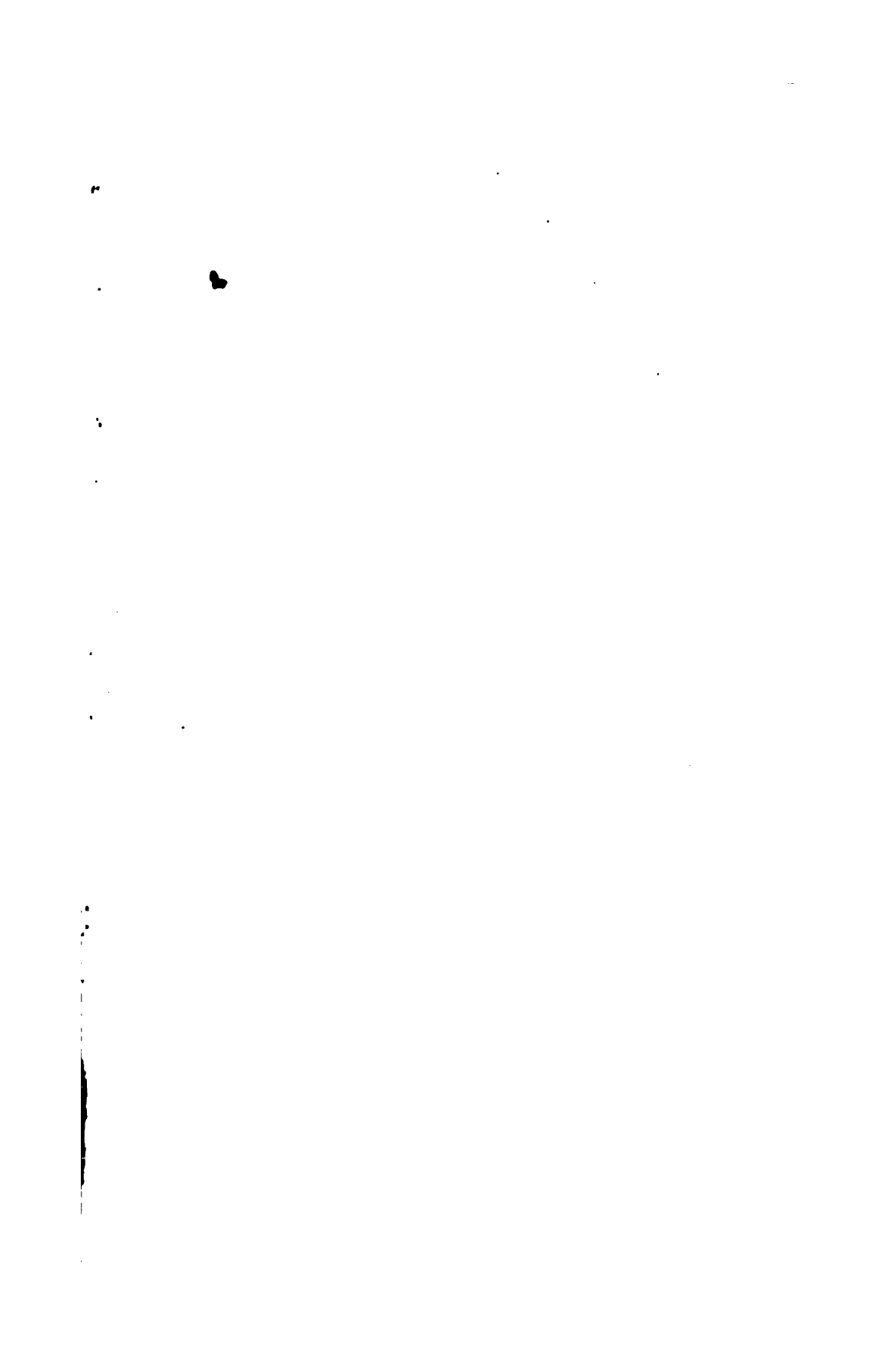
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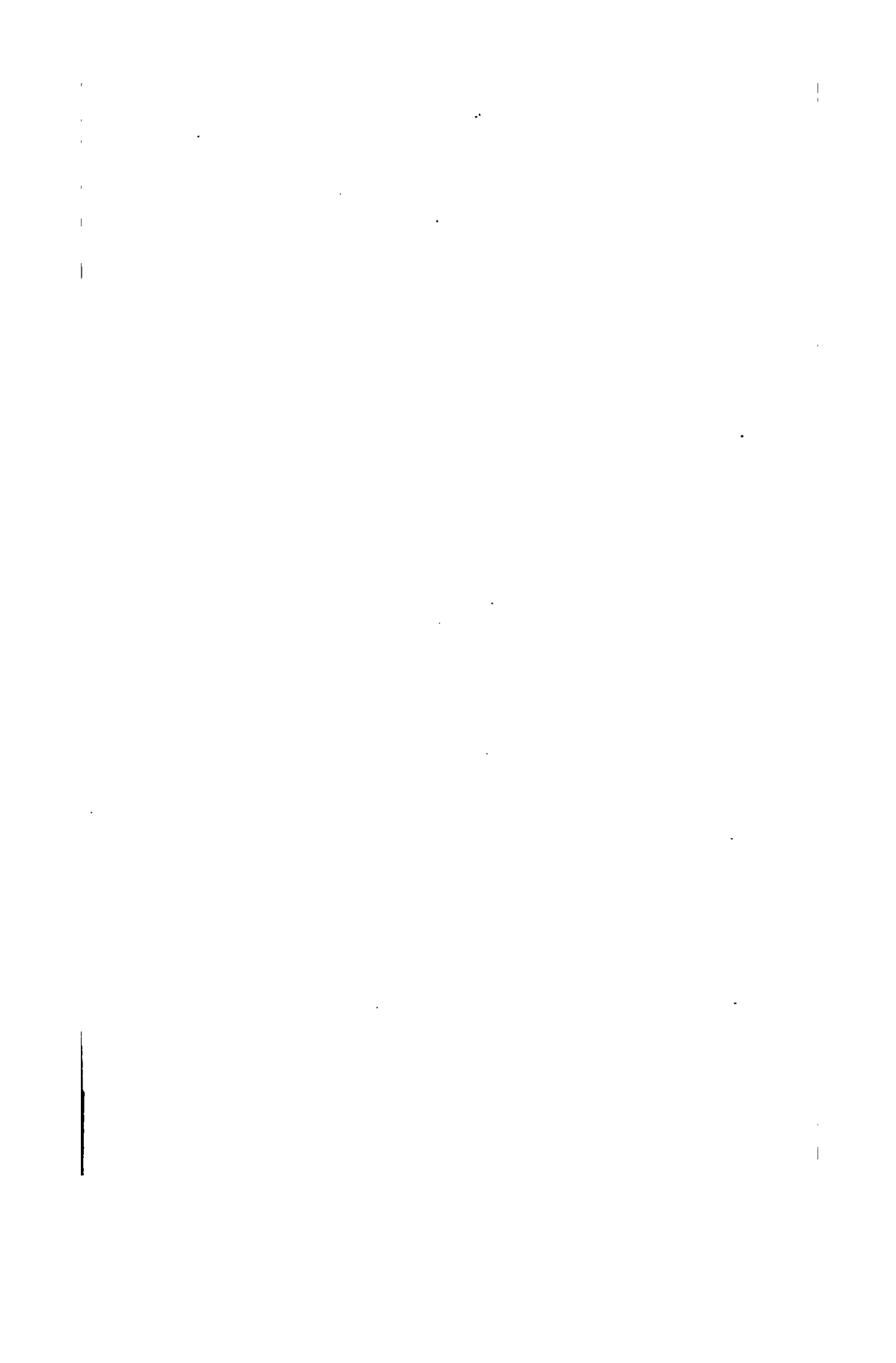
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